

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Administrative Procedure Act is
5 amended by changing Sections 1-5 and 1-70 as follows:

6 (5 ILCS 100/1-5) (from Ch. 127, par. 1001-5)

7 Sec. 1-5. Applicability.

8 (a) This Act applies to every agency as defined in this
9 Act. Beginning January 1, 1978, in case of conflict between the
10 provisions of this Act and the Act creating or conferring power
11 on an agency, this Act shall control. If, however, an agency
12 (or its predecessor in the case of an agency that has been
13 consolidated or reorganized) has existing procedures on July 1,
14 1977, specifically for contested cases or licensing, those
15 existing provisions control, except that this exception
16 respecting contested cases and licensing does not apply if the
17 Act creating or conferring power on the agency adopts by
18 express reference the provisions of this Act. Where the Act
19 creating or conferring power on an agency establishes
20 administrative procedures not covered by this Act, those
21 procedures shall remain in effect.

22 (b) The provisions of this Act do not apply to (i)
23 preliminary hearings, investigations, or practices where no

1 final determinations affecting State funding are made by the
2 State Board of Education, (ii) legal opinions issued under
3 Section 2-3.7 of the School Code, (iii) as to State colleges
4 and universities, their disciplinary and grievance
5 proceedings, academic irregularity and capricious grading
6 proceedings, and admission standards and procedures, and (iv)
7 the class specifications for positions and individual position
8 descriptions prepared and maintained under the Personnel Code.
9 Those class specifications shall, however, be made reasonably
10 available to the public for inspection and copying. The
11 provisions of this Act do not apply to hearings under Section
12 20 of the Uniform Disposition of Unclaimed Property Act.

13 (c) Section 5-35 of this Act relating to procedures for
14 rulemaking does not apply to the following:

15 (1) Rules adopted by the Pollution Control Board that,
16 in accordance with Section 7.2 of the Environmental
17 Protection Act, are identical in substance to federal
18 regulations or amendments to those regulations
19 implementing the following: Sections 3001, 3002, 3003,
20 3004, 3005, and 9003 of the Solid Waste Disposal Act;
21 Section 105 of the Comprehensive Environmental Response,
22 Compensation, and Liability Act of 1980; Sections 307(b),
23 307(c), 307(d), 402(b)(8), and 402(b)(9) of the Federal
24 Water Pollution Control Act; and Sections 1412(b),
25 1414(c), 1417(a), 1421, and 1445(a) of the Safe Drinking
26 Water Act.

1 (2) Rules adopted by the Pollution Control Board that
2 establish or amend standards for the emission of
3 hydrocarbons and carbon monoxide from gasoline powered
4 motor vehicles subject to inspection under the Vehicle
5 Emissions Inspection Law of 2005 or its predecessor laws.

6 (3) Procedural rules adopted by the Pollution Control
7 Board governing requests for exceptions under Section 14.2
8 of the Environmental Protection Act.

9 (4) The Pollution Control Board's grant, pursuant to an
10 adjudicatory determination, of an adjusted standard for
11 persons who can justify an adjustment consistent with
12 subsection (a) of Section 27 of the Environmental
13 Protection Act.

14 (5) Rules adopted by the Pollution Control Board that
15 are identical in substance to the regulations adopted by
16 the Office of the State Fire Marshal under clause (ii) of
17 paragraph (b) of subsection (3) of Section 2 of the
18 Gasoline Storage Act.

19 (6) Rules adopted by the Illinois Pollution Control
20 Board under Section 9.14 of the Environmental Protection
21 Act.

22 (d) Pay rates established under Section 8a of the Personnel
23 Code shall be amended or repealed pursuant to the process set
24 forth in Section 5-50 within 30 days after it becomes necessary
25 to do so due to a conflict between the rates and the terms of a
26 collective bargaining agreement covering the compensation of

1 an employee subject to that Code.

2 (e) Section 10-45 of this Act shall not apply to any
3 hearing, proceeding, or investigation conducted under Section
4 13-515 of the Public Utilities Act.

5 (f) Article 10 of this Act does not apply to any hearing,
6 proceeding, or investigation conducted by the State Council for
7 the State of Illinois created under Section 3-3-11.05 of the
8 Unified Code of Corrections or by the Interstate Commission for
9 Adult Offender Supervision created under the Interstate
10 Compact for Adult Offender Supervision or by the Interstate
11 Commission for Juveniles created under the Interstate Compact
12 for Juveniles.

13 (g) This Act is subject to the provisions of Article XXI of
14 the Public Utilities Act. To the extent that any provision of
15 this Act conflicts with the provisions of that Article XXI, the
16 provisions of that Article XXI control.

17 (Source: P.A. 95-9, eff. 6-30-07; 95-331, eff. 8-21-07; 95-937,
18 eff. 8-26-08.)

19 (5 ILCS 100/1-70) (from Ch. 127, par. 1001-70)

20 Sec. 1-70. "Rule" means each agency statement of general
21 applicability that implements, applies, interprets, or
22 prescribes law or policy, but does not include (i) statements
23 concerning only the internal management of an agency and not
24 affecting private rights or procedures available to persons or
25 entities outside the agency, (ii) informal advisory rulings

1 issued under Section 5-150, (iii) intra-agency memoranda, (iv)
2 the prescription of standardized forms, ~~or~~ (v) documents
3 prepared or filed or actions taken by the Legislative Reference
4 Bureau under Section 5.04 of the Legislative Reference Bureau
5 Act, or (vi) guidance documents prepared by the Illinois
6 Environmental Protection Agency under subsection (s) of
7 Section 39 of the Environmental Protection Act.

8 (Source: P.A. 87-823; 87-1005.)

9 Section 10. The Use Tax Act is amended by changing Section
10 9 as follows:

11 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

12 Sec. 9. Except as to motor vehicles, watercraft, aircraft,
13 and trailers that are required to be registered with an agency
14 of this State, each retailer required or authorized to collect
15 the tax imposed by this Act shall pay to the Department the
16 amount of such tax (except as otherwise provided) at the time
17 when he is required to file his return for the period during
18 which such tax was collected, less a discount of 2.1% prior to
19 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5
20 per calendar year, whichever is greater, which is allowed to
21 reimburse the retailer for expenses incurred in collecting the
22 tax, keeping records, preparing and filing returns, remitting
23 the tax and supplying data to the Department on request. In the
24 case of retailers who report and pay the tax on a transaction

1 by transaction basis, as provided in this Section, such
2 discount shall be taken with each such tax remittance instead
3 of when such retailer files his periodic return. A retailer
4 need not remit that part of any tax collected by him to the
5 extent that he is required to remit and does remit the tax
6 imposed by the Retailers' Occupation Tax Act, with respect to
7 the sale of the same property.

8 Where such tangible personal property is sold under a
9 conditional sales contract, or under any other form of sale
10 wherein the payment of the principal sum, or a part thereof, is
11 extended beyond the close of the period for which the return is
12 filed, the retailer, in collecting the tax (except as to motor
13 vehicles, watercraft, aircraft, and trailers that are required
14 to be registered with an agency of this State), may collect for
15 each tax return period, only the tax applicable to that part of
16 the selling price actually received during such tax return
17 period.

18 Except as provided in this Section, on or before the
19 twentieth day of each calendar month, such retailer shall file
20 a return for the preceding calendar month. Such return shall be
21 filed on forms prescribed by the Department and shall furnish
22 such information as the Department may reasonably require.

23 The Department may require returns to be filed on a
24 quarterly basis. If so required, a return for each calendar
25 quarter shall be filed on or before the twentieth day of the
26 calendar month following the end of such calendar quarter. The

1 taxpayer shall also file a return with the Department for each
2 of the first two months of each calendar quarter, on or before
3 the twentieth day of the following calendar month, stating:

4 1. The name of the seller;

5 2. The address of the principal place of business from
6 which he engages in the business of selling tangible
7 personal property at retail in this State;

8 3. The total amount of taxable receipts received by him
9 during the preceding calendar month from sales of tangible
10 personal property by him during such preceding calendar
11 month, including receipts from charge and time sales, but
12 less all deductions allowed by law;

13 4. The amount of credit provided in Section 2d of this
14 Act;

15 5. The amount of tax due;

16 5-5. The signature of the taxpayer; and

17 6. Such other reasonable information as the Department
18 may require.

19 If a taxpayer fails to sign a return within 30 days after
20 the proper notice and demand for signature by the Department,
21 the return shall be considered valid and any amount shown to be
22 due on the return shall be deemed assessed.

23 Beginning October 1, 1993, a taxpayer who has an average
24 monthly tax liability of \$150,000 or more shall make all
25 payments required by rules of the Department by electronic
26 funds transfer. Beginning October 1, 1994, a taxpayer who has

1 an average monthly tax liability of \$100,000 or more shall make
2 all payments required by rules of the Department by electronic
3 funds transfer. Beginning October 1, 1995, a taxpayer who has
4 an average monthly tax liability of \$50,000 or more shall make
5 all payments required by rules of the Department by electronic
6 funds transfer. Beginning October 1, 2000, a taxpayer who has
7 an annual tax liability of \$200,000 or more shall make all
8 payments required by rules of the Department by electronic
9 funds transfer. The term "annual tax liability" shall be the
10 sum of the taxpayer's liabilities under this Act, and under all
11 other State and local occupation and use tax laws administered
12 by the Department, for the immediately preceding calendar year.
13 The term "average monthly tax liability" means the sum of the
14 taxpayer's liabilities under this Act, and under all other
15 State and local occupation and use tax laws administered by the
16 Department, for the immediately preceding calendar year
17 divided by 12. Beginning on October 1, 2002, a taxpayer who has
18 a tax liability in the amount set forth in subsection (b) of
19 Section 2505-210 of the Department of Revenue Law shall make
20 all payments required by rules of the Department by electronic
21 funds transfer.

22 Before August 1 of each year beginning in 1993, the
23 Department shall notify all taxpayers required to make payments
24 by electronic funds transfer. All taxpayers required to make
25 payments by electronic funds transfer shall make those payments
26 for a minimum of one year beginning on October 1.

1 Any taxpayer not required to make payments by electronic
2 funds transfer may make payments by electronic funds transfer
3 with the permission of the Department.

4 All taxpayers required to make payment by electronic funds
5 transfer and any taxpayers authorized to voluntarily make
6 payments by electronic funds transfer shall make those payments
7 in the manner authorized by the Department.

8 The Department shall adopt such rules as are necessary to
9 effectuate a program of electronic funds transfer and the
10 requirements of this Section.

11 Before October 1, 2000, if the taxpayer's average monthly
12 tax liability to the Department under this Act, the Retailers'
13 Occupation Tax Act, the Service Occupation Tax Act, the Service
14 Use Tax Act was \$10,000 or more during the preceding 4 complete
15 calendar quarters, he shall file a return with the Department
16 each month by the 20th day of the month next following the
17 month during which such tax liability is incurred and shall
18 make payments to the Department on or before the 7th, 15th,
19 22nd and last day of the month during which such liability is
20 incurred. On and after October 1, 2000, if the taxpayer's
21 average monthly tax liability to the Department under this Act,
22 the Retailers' Occupation Tax Act, the Service Occupation Tax
23 Act, and the Service Use Tax Act was \$20,000 or more during the
24 preceding 4 complete calendar quarters, he shall file a return
25 with the Department each month by the 20th day of the month
26 next following the month during which such tax liability is

1 incurred and shall make payment to the Department on or before
2 the 7th, 15th, 22nd and last day of the month during which such
3 liability is incurred. If the month during which such tax
4 liability is incurred began prior to January 1, 1985, each
5 payment shall be in an amount equal to 1/4 of the taxpayer's
6 actual liability for the month or an amount set by the
7 Department not to exceed 1/4 of the average monthly liability
8 of the taxpayer to the Department for the preceding 4 complete
9 calendar quarters (excluding the month of highest liability and
10 the month of lowest liability in such 4 quarter period). If the
11 month during which such tax liability is incurred begins on or
12 after January 1, 1985, and prior to January 1, 1987, each
13 payment shall be in an amount equal to 22.5% of the taxpayer's
14 actual liability for the month or 27.5% of the taxpayer's
15 liability for the same calendar month of the preceding year. If
16 the month during which such tax liability is incurred begins on
17 or after January 1, 1987, and prior to January 1, 1988, each
18 payment shall be in an amount equal to 22.5% of the taxpayer's
19 actual liability for the month or 26.25% of the taxpayer's
20 liability for the same calendar month of the preceding year. If
21 the month during which such tax liability is incurred begins on
22 or after January 1, 1988, and prior to January 1, 1989, or
23 begins on or after January 1, 1996, each payment shall be in an
24 amount equal to 22.5% of the taxpayer's actual liability for
25 the month or 25% of the taxpayer's liability for the same
26 calendar month of the preceding year. If the month during which

1 such tax liability is incurred begins on or after January 1,
2 1989, and prior to January 1, 1996, each payment shall be in an
3 amount equal to 22.5% of the taxpayer's actual liability for
4 the month or 25% of the taxpayer's liability for the same
5 calendar month of the preceding year or 100% of the taxpayer's
6 actual liability for the quarter monthly reporting period. The
7 amount of such quarter monthly payments shall be credited
8 against the final tax liability of the taxpayer's return for
9 that month. Before October 1, 2000, once applicable, the
10 requirement of the making of quarter monthly payments to the
11 Department shall continue until such taxpayer's average
12 monthly liability to the Department during the preceding 4
13 complete calendar quarters (excluding the month of highest
14 liability and the month of lowest liability) is less than
15 \$9,000, or until such taxpayer's average monthly liability to
16 the Department as computed for each calendar quarter of the 4
17 preceding complete calendar quarter period is less than
18 \$10,000. However, if a taxpayer can show the Department that a
19 substantial change in the taxpayer's business has occurred
20 which causes the taxpayer to anticipate that his average
21 monthly tax liability for the reasonably foreseeable future
22 will fall below the \$10,000 threshold stated above, then such
23 taxpayer may petition the Department for change in such
24 taxpayer's reporting status. On and after October 1, 2000, once
25 applicable, the requirement of the making of quarter monthly
26 payments to the Department shall continue until such taxpayer's

1 average monthly liability to the Department during the
2 preceding 4 complete calendar quarters (excluding the month of
3 highest liability and the month of lowest liability) is less
4 than \$19,000 or until such taxpayer's average monthly liability
5 to the Department as computed for each calendar quarter of the
6 4 preceding complete calendar quarter period is less than
7 \$20,000. However, if a taxpayer can show the Department that a
8 substantial change in the taxpayer's business has occurred
9 which causes the taxpayer to anticipate that his average
10 monthly tax liability for the reasonably foreseeable future
11 will fall below the \$20,000 threshold stated above, then such
12 taxpayer may petition the Department for a change in such
13 taxpayer's reporting status. The Department shall change such
14 taxpayer's reporting status unless it finds that such change is
15 seasonal in nature and not likely to be long term. If any such
16 quarter monthly payment is not paid at the time or in the
17 amount required by this Section, then the taxpayer shall be
18 liable for penalties and interest on the difference between the
19 minimum amount due and the amount of such quarter monthly
20 payment actually and timely paid, except insofar as the
21 taxpayer has previously made payments for that month to the
22 Department in excess of the minimum payments previously due as
23 provided in this Section. The Department shall make reasonable
24 rules and regulations to govern the quarter monthly payment
25 amount and quarter monthly payment dates for taxpayers who file
26 on other than a calendar monthly basis.

1 If any such payment provided for in this Section exceeds
2 the taxpayer's liabilities under this Act, the Retailers'
3 Occupation Tax Act, the Service Occupation Tax Act and the
4 Service Use Tax Act, as shown by an original monthly return,
5 the Department shall issue to the taxpayer a credit memorandum
6 no later than 30 days after the date of payment, which
7 memorandum may be submitted by the taxpayer to the Department
8 in payment of tax liability subsequently to be remitted by the
9 taxpayer to the Department or be assigned by the taxpayer to a
10 similar taxpayer under this Act, the Retailers' Occupation Tax
11 Act, the Service Occupation Tax Act or the Service Use Tax Act,
12 in accordance with reasonable rules and regulations to be
13 prescribed by the Department, except that if such excess
14 payment is shown on an original monthly return and is made
15 after December 31, 1986, no credit memorandum shall be issued,
16 unless requested by the taxpayer. If no such request is made,
17 the taxpayer may credit such excess payment against tax
18 liability subsequently to be remitted by the taxpayer to the
19 Department under this Act, the Retailers' Occupation Tax Act,
20 the Service Occupation Tax Act or the Service Use Tax Act, in
21 accordance with reasonable rules and regulations prescribed by
22 the Department. If the Department subsequently determines that
23 all or any part of the credit taken was not actually due to the
24 taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall
25 be reduced by 2.1% or 1.75% of the difference between the
26 credit taken and that actually due, and the taxpayer shall be

1 liable for penalties and interest on such difference.

2 If the retailer is otherwise required to file a monthly
3 return and if the retailer's average monthly tax liability to
4 the Department does not exceed \$200, the Department may
5 authorize his returns to be filed on a quarter annual basis,
6 with the return for January, February, and March of a given
7 year being due by April 20 of such year; with the return for
8 April, May and June of a given year being due by July 20 of such
9 year; with the return for July, August and September of a given
10 year being due by October 20 of such year, and with the return
11 for October, November and December of a given year being due by
12 January 20 of the following year.

13 If the retailer is otherwise required to file a monthly or
14 quarterly return and if the retailer's average monthly tax
15 liability to the Department does not exceed \$50, the Department
16 may authorize his returns to be filed on an annual basis, with
17 the return for a given year being due by January 20 of the
18 following year.

19 Such quarter annual and annual returns, as to form and
20 substance, shall be subject to the same requirements as monthly
21 returns.

22 Notwithstanding any other provision in this Act concerning
23 the time within which a retailer may file his return, in the
24 case of any retailer who ceases to engage in a kind of business
25 which makes him responsible for filing returns under this Act,
26 such retailer shall file a final return under this Act with the

1 Department not more than one month after discontinuing such
2 business.

3 In addition, with respect to motor vehicles, watercraft,
4 aircraft, and trailers that are required to be registered with
5 an agency of this State, every retailer selling this kind of
6 tangible personal property shall file, with the Department,
7 upon a form to be prescribed and supplied by the Department, a
8 separate return for each such item of tangible personal
9 property which the retailer sells, except that if, in the same
10 transaction, (i) a retailer of aircraft, watercraft, motor
11 vehicles or trailers transfers more than one aircraft,
12 watercraft, motor vehicle or trailer to another aircraft,
13 watercraft, motor vehicle or trailer retailer for the purpose
14 of resale or (ii) a retailer of aircraft, watercraft, motor
15 vehicles, or trailers transfers more than one aircraft,
16 watercraft, motor vehicle, or trailer to a purchaser for use as
17 a qualifying rolling stock as provided in Section 3-55 of this
18 Act, then that seller may report the transfer of all the
19 aircraft, watercraft, motor vehicles or trailers involved in
20 that transaction to the Department on the same uniform
21 invoice-transaction reporting return form. For purposes of
22 this Section, "watercraft" means a Class 2, Class 3, or Class 4
23 watercraft as defined in Section 3-2 of the Boat Registration
24 and Safety Act, a personal watercraft, or any boat equipped
25 with an inboard motor.

26 The transaction reporting return in the case of motor

1 vehicles or trailers that are required to be registered with an
2 agency of this State, shall be the same document as the Uniform
3 Invoice referred to in Section 5-402 of the Illinois Vehicle
4 Code and must show the name and address of the seller; the name
5 and address of the purchaser; the amount of the selling price
6 including the amount allowed by the retailer for traded-in
7 property, if any; the amount allowed by the retailer for the
8 traded-in tangible personal property, if any, to the extent to
9 which Section 2 of this Act allows an exemption for the value
10 of traded-in property; the balance payable after deducting such
11 trade-in allowance from the total selling price; the amount of
12 tax due from the retailer with respect to such transaction; the
13 amount of tax collected from the purchaser by the retailer on
14 such transaction (or satisfactory evidence that such tax is not
15 due in that particular instance, if that is claimed to be the
16 fact); the place and date of the sale; a sufficient
17 identification of the property sold; such other information as
18 is required in Section 5-402 of the Illinois Vehicle Code, and
19 such other information as the Department may reasonably
20 require.

21 The transaction reporting return in the case of watercraft
22 and aircraft must show the name and address of the seller; the
23 name and address of the purchaser; the amount of the selling
24 price including the amount allowed by the retailer for
25 traded-in property, if any; the amount allowed by the retailer
26 for the traded-in tangible personal property, if any, to the

1 extent to which Section 2 of this Act allows an exemption for
2 the value of traded-in property; the balance payable after
3 deducting such trade-in allowance from the total selling price;
4 the amount of tax due from the retailer with respect to such
5 transaction; the amount of tax collected from the purchaser by
6 the retailer on such transaction (or satisfactory evidence that
7 such tax is not due in that particular instance, if that is
8 claimed to be the fact); the place and date of the sale, a
9 sufficient identification of the property sold, and such other
10 information as the Department may reasonably require.

11 Such transaction reporting return shall be filed not later
12 than 20 days after the date of delivery of the item that is
13 being sold, but may be filed by the retailer at any time sooner
14 than that if he chooses to do so. The transaction reporting
15 return and tax remittance or proof of exemption from the tax
16 that is imposed by this Act may be transmitted to the
17 Department by way of the State agency with which, or State
18 officer with whom, the tangible personal property must be
19 titled or registered (if titling or registration is required)
20 if the Department and such agency or State officer determine
21 that this procedure will expedite the processing of
22 applications for title or registration.

23 With each such transaction reporting return, the retailer
24 shall remit the proper amount of tax due (or shall submit
25 satisfactory evidence that the sale is not taxable if that is
26 the case), to the Department or its agents, whereupon the

1 Department shall issue, in the purchaser's name, a tax receipt
2 (or a certificate of exemption if the Department is satisfied
3 that the particular sale is tax exempt) which such purchaser
4 may submit to the agency with which, or State officer with
5 whom, he must title or register the tangible personal property
6 that is involved (if titling or registration is required) in
7 support of such purchaser's application for an Illinois
8 certificate or other evidence of title or registration to such
9 tangible personal property.

10 No retailer's failure or refusal to remit tax under this
11 Act precludes a user, who has paid the proper tax to the
12 retailer, from obtaining his certificate of title or other
13 evidence of title or registration (if titling or registration
14 is required) upon satisfying the Department that such user has
15 paid the proper tax (if tax is due) to the retailer. The
16 Department shall adopt appropriate rules to carry out the
17 mandate of this paragraph.

18 If the user who would otherwise pay tax to the retailer
19 wants the transaction reporting return filed and the payment of
20 tax or proof of exemption made to the Department before the
21 retailer is willing to take these actions and such user has not
22 paid the tax to the retailer, such user may certify to the fact
23 of such delay by the retailer, and may (upon the Department
24 being satisfied of the truth of such certification) transmit
25 the information required by the transaction reporting return
26 and the remittance for tax or proof of exemption directly to

1 the Department and obtain his tax receipt or exemption
2 determination, in which event the transaction reporting return
3 and tax remittance (if a tax payment was required) shall be
4 credited by the Department to the proper retailer's account
5 with the Department, but without the 2.1% or 1.75% discount
6 provided for in this Section being allowed. When the user pays
7 the tax directly to the Department, he shall pay the tax in the
8 same amount and in the same form in which it would be remitted
9 if the tax had been remitted to the Department by the retailer.

10 Where a retailer collects the tax with respect to the
11 selling price of tangible personal property which he sells and
12 the purchaser thereafter returns such tangible personal
13 property and the retailer refunds the selling price thereof to
14 the purchaser, such retailer shall also refund, to the
15 purchaser, the tax so collected from the purchaser. When filing
16 his return for the period in which he refunds such tax to the
17 purchaser, the retailer may deduct the amount of the tax so
18 refunded by him to the purchaser from any other use tax which
19 such retailer may be required to pay or remit to the
20 Department, as shown by such return, if the amount of the tax
21 to be deducted was previously remitted to the Department by
22 such retailer. If the retailer has not previously remitted the
23 amount of such tax to the Department, he is entitled to no
24 deduction under this Act upon refunding such tax to the
25 purchaser.

26 Any retailer filing a return under this Section shall also

1 include (for the purpose of paying tax thereon) the total tax
2 covered by such return upon the selling price of tangible
3 personal property purchased by him at retail from a retailer,
4 but as to which the tax imposed by this Act was not collected
5 from the retailer filing such return, and such retailer shall
6 remit the amount of such tax to the Department when filing such
7 return.

8 If experience indicates such action to be practicable, the
9 Department may prescribe and furnish a combination or joint
10 return which will enable retailers, who are required to file
11 returns hereunder and also under the Retailers' Occupation Tax
12 Act, to furnish all the return information required by both
13 Acts on the one form.

14 Where the retailer has more than one business registered
15 with the Department under separate registration under this Act,
16 such retailer may not file each return that is due as a single
17 return covering all such registered businesses, but shall file
18 separate returns for each such registered business.

19 Beginning January 1, 1990, each month the Department shall
20 pay into the State and Local Sales Tax Reform Fund, a special
21 fund in the State Treasury which is hereby created, the net
22 revenue realized for the preceding month from the 1% tax on
23 sales of food for human consumption which is to be consumed off
24 the premises where it is sold (other than alcoholic beverages,
25 soft drinks and food which has been prepared for immediate
26 consumption) and prescription and nonprescription medicines,

1 drugs, medical appliances and insulin, urine testing
2 materials, syringes and needles used by diabetics.

3 Beginning January 1, 1990, each month the Department shall
4 pay into the County and Mass Transit District Fund 4% of the
5 net revenue realized for the preceding month from the 6.25%
6 general rate on the selling price of tangible personal property
7 which is purchased outside Illinois at retail from a retailer
8 and which is titled or registered by an agency of this State's
9 government.

10 Beginning January 1, 1990, each month the Department shall
11 pay into the State and Local Sales Tax Reform Fund, a special
12 fund in the State Treasury, 20% of the net revenue realized for
13 the preceding month from the 6.25% general rate on the selling
14 price of tangible personal property, other than tangible
15 personal property which is purchased outside Illinois at retail
16 from a retailer and which is titled or registered by an agency
17 of this State's government.

18 Beginning August 1, 2000, each month the Department shall
19 pay into the State and Local Sales Tax Reform Fund 100% of the
20 net revenue realized for the preceding month from the 1.25%
21 rate on the selling price of motor fuel and gasohol. Beginning
22 September 1, 2010, each month the Department shall pay into the
23 State and Local Sales Tax Reform Fund 100% of the net revenue
24 realized for the preceding month from the 1.25% rate on the
25 selling price of sales tax holiday items.

26 Beginning January 1, 1990, each month the Department shall

1 pay into the Local Government Tax Fund 16% of the net revenue
2 realized for the preceding month from the 6.25% general rate on
3 the selling price of tangible personal property which is
4 purchased outside Illinois at retail from a retailer and which
5 is titled or registered by an agency of this State's
6 government.

7 Beginning October 1, 2009, each month the Department shall
8 pay into the Capital Projects Fund an amount that is equal to
9 an amount estimated by the Department to represent 80% of the
10 net revenue realized for the preceding month from the sale of
11 candy, grooming and hygiene products, and soft drinks that had
12 been taxed at a rate of 1% prior to September 1, 2009 but that
13 is now taxed at 6.25%.

14 Beginning July 1, 2011, each month the Department shall pay
15 into the Clean Air Act (CAA) Permit Fund 80% of the net revenue
16 realized for the preceding month from the 6.25% general rate on
17 the selling price of sorbents used in Illinois in the process
18 of sorbent injection as used to comply with the Environmental
19 Protection Act or the federal Clean Air Act, but the total
20 payment into the Clean Air Act (CAA) Permit Fund under this Act
21 and the Retailers' Occupation Tax Act shall not exceed
22 \$2,000,000 in any fiscal year.

23 Of the remainder of the moneys received by the Department
24 pursuant to this Act, (a) 1.75% thereof shall be paid into the
25 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
26 and after July 1, 1989, 3.8% thereof shall be paid into the

1 Build Illinois Fund; provided, however, that if in any fiscal
2 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
3 may be, of the moneys received by the Department and required
4 to be paid into the Build Illinois Fund pursuant to Section 3
5 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
6 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
7 Service Occupation Tax Act, such Acts being hereinafter called
8 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
9 may be, of moneys being hereinafter called the "Tax Act
10 Amount", and (2) the amount transferred to the Build Illinois
11 Fund from the State and Local Sales Tax Reform Fund shall be
12 less than the Annual Specified Amount (as defined in Section 3
13 of the Retailers' Occupation Tax Act), an amount equal to the
14 difference shall be immediately paid into the Build Illinois
15 Fund from other moneys received by the Department pursuant to
16 the Tax Acts; and further provided, that if on the last
17 business day of any month the sum of (1) the Tax Act Amount
18 required to be deposited into the Build Illinois Bond Account
19 in the Build Illinois Fund during such month and (2) the amount
20 transferred during such month to the Build Illinois Fund from
21 the State and Local Sales Tax Reform Fund shall have been less
22 than 1/12 of the Annual Specified Amount, an amount equal to
23 the difference shall be immediately paid into the Build
24 Illinois Fund from other moneys received by the Department
25 pursuant to the Tax Acts; and, further provided, that in no
26 event shall the payments required under the preceding proviso

1 result in aggregate payments into the Build Illinois Fund
2 pursuant to this clause (b) for any fiscal year in excess of
3 the greater of (i) the Tax Act Amount or (ii) the Annual
4 Specified Amount for such fiscal year; and, further provided,
5 that the amounts payable into the Build Illinois Fund under
6 this clause (b) shall be payable only until such time as the
7 aggregate amount on deposit under each trust indenture securing
8 Bonds issued and outstanding pursuant to the Build Illinois
9 Bond Act is sufficient, taking into account any future
10 investment income, to fully provide, in accordance with such
11 indenture, for the defeasance of or the payment of the
12 principal of, premium, if any, and interest on the Bonds
13 secured by such indenture and on any Bonds expected to be
14 issued thereafter and all fees and costs payable with respect
15 thereto, all as certified by the Director of the Bureau of the
16 Budget (now Governor's Office of Management and Budget). If on
17 the last business day of any month in which Bonds are
18 outstanding pursuant to the Build Illinois Bond Act, the
19 aggregate of the moneys deposited in the Build Illinois Bond
20 Account in the Build Illinois Fund in such month shall be less
21 than the amount required to be transferred in such month from
22 the Build Illinois Bond Account to the Build Illinois Bond
23 Retirement and Interest Fund pursuant to Section 13 of the
24 Build Illinois Bond Act, an amount equal to such deficiency
25 shall be immediately paid from other moneys received by the
26 Department pursuant to the Tax Acts to the Build Illinois Fund;

1 provided, however, that any amounts paid to the Build Illinois
 2 Fund in any fiscal year pursuant to this sentence shall be
 3 deemed to constitute payments pursuant to clause (b) of the
 4 preceding sentence and shall reduce the amount otherwise
 5 payable for such fiscal year pursuant to clause (b) of the
 6 preceding sentence. The moneys received by the Department
 7 pursuant to this Act and required to be deposited into the
 8 Build Illinois Fund are subject to the pledge, claim and charge
 9 set forth in Section 12 of the Build Illinois Bond Act.

10 Subject to payment of amounts into the Build Illinois Fund
 11 as provided in the preceding paragraph or in any amendment
 12 thereto hereafter enacted, the following specified monthly
 13 installment of the amount requested in the certificate of the
 14 Chairman of the Metropolitan Pier and Exposition Authority
 15 provided under Section 8.25f of the State Finance Act, but not
 16 in excess of the sums designated as "Total Deposit", shall be
 17 deposited in the aggregate from collections under Section 9 of
 18 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
 19 9 of the Service Occupation Tax Act, and Section 3 of the
 20 Retailers' Occupation Tax Act into the McCormick Place
 21 Expansion Project Fund in the specified fiscal years.

	Fiscal Year	Total Deposit
23	1993	\$0
24	1994	53,000,000
25	1995	58,000,000

1	1996	61,000,000
2	1997	64,000,000
3	1998	68,000,000
4	1999	71,000,000
5	2000	75,000,000
6	2001	80,000,000
7	2002	93,000,000
8	2003	99,000,000
9	2004	103,000,000
10	2005	108,000,000
11	2006	113,000,000
12	2007	119,000,000
13	2008	126,000,000
14	2009	132,000,000
15	2010	139,000,000
16	2011	146,000,000
17	2012	153,000,000
18	2013	161,000,000
19	2014	170,000,000
20	2015	179,000,000
21	2016	189,000,000
22	2017	199,000,000
23	2018	210,000,000
24	2019	221,000,000
25	2020	233,000,000
26	2021	246,000,000

1	2022	260,000,000
2	2023	275,000,000
3	2024	275,000,000
4	2025	275,000,000
5	2026	279,000,000
6	2027	292,000,000
7	2028	307,000,000
8	2029	322,000,000
9	2030	338,000,000
10	2031	350,000,000
11	2032	350,000,000

12 and

13 each fiscal year

14 thereafter that bonds

15 are outstanding under

16 Section 13.2 of the

17 Metropolitan Pier and

18 Exposition Authority Act,

19 but not after fiscal year 2060.

20 Beginning July 20, 1993 and in each month of each fiscal

21 year thereafter, one-eighth of the amount requested in the

22 certificate of the Chairman of the Metropolitan Pier and

23 Exposition Authority for that fiscal year, less the amount

24 deposited into the McCormick Place Expansion Project Fund by

25 the State Treasurer in the respective month under subsection

26 (g) of Section 13 of the Metropolitan Pier and Exposition

1 Authority Act, plus cumulative deficiencies in the deposits
2 required under this Section for previous months and years,
3 shall be deposited into the McCormick Place Expansion Project
4 Fund, until the full amount requested for the fiscal year, but
5 not in excess of the amount specified above as "Total Deposit",
6 has been deposited.

7 Subject to payment of amounts into the Build Illinois Fund
8 and the McCormick Place Expansion Project Fund pursuant to the
9 preceding paragraphs or in any amendments thereto hereafter
10 enacted, beginning July 1, 1993, the Department shall each
11 month pay into the Illinois Tax Increment Fund 0.27% of 80% of
12 the net revenue realized for the preceding month from the 6.25%
13 general rate on the selling price of tangible personal
14 property.

15 Subject to payment of amounts into the Build Illinois Fund
16 and the McCormick Place Expansion Project Fund pursuant to the
17 preceding paragraphs or in any amendments thereto hereafter
18 enacted, beginning with the receipt of the first report of
19 taxes paid by an eligible business and continuing for a 25-year
20 period, the Department shall each month pay into the Energy
21 Infrastructure Fund 80% of the net revenue realized from the
22 6.25% general rate on the selling price of Illinois-mined coal
23 that was sold to an eligible business. For purposes of this
24 paragraph, the term "eligible business" means a new electric
25 generating facility certified pursuant to Section 605-332 of
26 the Department of Commerce and Economic Opportunity Law of the

1 Civil Administrative Code of Illinois.

2 Of the remainder of the moneys received by the Department
3 pursuant to this Act, 75% thereof shall be paid into the State
4 Treasury and 25% shall be reserved in a special account and
5 used only for the transfer to the Common School Fund as part of
6 the monthly transfer from the General Revenue Fund in
7 accordance with Section 8a of the State Finance Act.

8 As soon as possible after the first day of each month, upon
9 certification of the Department of Revenue, the Comptroller
10 shall order transferred and the Treasurer shall transfer from
11 the General Revenue Fund to the Motor Fuel Tax Fund an amount
12 equal to 1.7% of 80% of the net revenue realized under this Act
13 for the second preceding month. Beginning April 1, 2000, this
14 transfer is no longer required and shall not be made.

15 Net revenue realized for a month shall be the revenue
16 collected by the State pursuant to this Act, less the amount
17 paid out during that month as refunds to taxpayers for
18 overpayment of liability.

19 For greater simplicity of administration, manufacturers,
20 importers and wholesalers whose products are sold at retail in
21 Illinois by numerous retailers, and who wish to do so, may
22 assume the responsibility for accounting and paying to the
23 Department all tax accruing under this Act with respect to such
24 sales, if the retailers who are affected do not make written
25 objection to the Department to this arrangement.

26 (Source: P.A. 96-34, eff. 7-13-09; 96-38, eff. 7-13-09; 96-898,

1 eff. 5-27-10; 96-1012, eff. 7-7-10; revised 7-22-10.)

2 Section 15. The Retailers' Occupation Tax Act is amended by
3 adding Section 2j and changing Section 3 as follows:

4 (35 ILCS 120/2j new)

5 Sec. 2j. Sorbent purchasing reports. Illinois businesses
6 that purchase sorbents for use in mercury control, as described
7 in 35 Ill. Adm. Code 225, shall file a monthly report with the
8 Department stating the amount of sorbent purchased during the
9 previous month, the purchase price of the sorbent, the amount
10 of State occupation and use taxes paid on the purchase of the
11 sorbent (whether to the selling retailer or directly to the
12 Department of Revenue pursuant to a direct pay permit), and any
13 other information the Department may reasonably require. In
14 sales of sorbents between related parties, the purchase price
15 of the sorbent must have been determined in an arms-length
16 transaction. The report shall be filed with the Department on
17 or before the 20th day of each month following a month in which
18 sorbents were purchased, on a form provided by the Department.
19 However, no report need be filed in a month when the taxpayer
20 made no reportable purchases of sorbents in the previous month.
21 The Department shall provide a monthly summary of these reports
22 to the Illinois Environmental Protection Agency. Upon request,
23 the Illinois Environmental Protection Agency shall provide the
24 Department with a list of Illinois businesses that are subject

1 to 35 Ill. Adm. Code 225.

2 (35 ILCS 120/3) (from Ch. 120, par. 442)

3 Sec. 3. Except as provided in this Section, on or before
4 the twentieth day of each calendar month, every person engaged
5 in the business of selling tangible personal property at retail
6 in this State during the preceding calendar month shall file a
7 return with the Department, stating:

8 1. The name of the seller;

9 2. His residence address and the address of his
10 principal place of business and the address of the
11 principal place of business (if that is a different
12 address) from which he engages in the business of selling
13 tangible personal property at retail in this State;

14 3. Total amount of receipts received by him during the
15 preceding calendar month or quarter, as the case may be,
16 from sales of tangible personal property, and from services
17 furnished, by him during such preceding calendar month or
18 quarter;

19 4. Total amount received by him during the preceding
20 calendar month or quarter on charge and time sales of
21 tangible personal property, and from services furnished,
22 by him prior to the month or quarter for which the return
23 is filed;

24 5. Deductions allowed by law;

25 6. Gross receipts which were received by him during the

1 preceding calendar month or quarter and upon the basis of
2 which the tax is imposed;

3 7. The amount of credit provided in Section 2d of this
4 Act;

5 8. The amount of tax due;

6 9. The signature of the taxpayer; and

7 10. Such other reasonable information as the
8 Department may require.

9 If a taxpayer fails to sign a return within 30 days after
10 the proper notice and demand for signature by the Department,
11 the return shall be considered valid and any amount shown to be
12 due on the return shall be deemed assessed.

13 Each return shall be accompanied by the statement of
14 prepaid tax issued pursuant to Section 2e for which credit is
15 claimed.

16 Prior to October 1, 2003, and on and after September 1,
17 2004 a retailer may accept a Manufacturer's Purchase Credit
18 certification from a purchaser in satisfaction of Use Tax as
19 provided in Section 3-85 of the Use Tax Act if the purchaser
20 provides the appropriate documentation as required by Section
21 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit
22 certification, accepted by a retailer prior to October 1, 2003
23 and on and after September 1, 2004 as provided in Section 3-85
24 of the Use Tax Act, may be used by that retailer to satisfy
25 Retailers' Occupation Tax liability in the amount claimed in
26 the certification, not to exceed 6.25% of the receipts subject

1 to tax from a qualifying purchase. A Manufacturer's Purchase
2 Credit reported on any original or amended return filed under
3 this Act after October 20, 2003 for reporting periods prior to
4 September 1, 2004 shall be disallowed. Manufacturer's
5 Purchaser Credit reported on annual returns due on or after
6 January 1, 2005 will be disallowed for periods prior to
7 September 1, 2004. No Manufacturer's Purchase Credit may be
8 used after September 30, 2003 through August 31, 2004 to
9 satisfy any tax liability imposed under this Act, including any
10 audit liability.

11 The Department may require returns to be filed on a
12 quarterly basis. If so required, a return for each calendar
13 quarter shall be filed on or before the twentieth day of the
14 calendar month following the end of such calendar quarter. The
15 taxpayer shall also file a return with the Department for each
16 of the first two months of each calendar quarter, on or before
17 the twentieth day of the following calendar month, stating:

- 18 1. The name of the seller;
- 19 2. The address of the principal place of business from
20 which he engages in the business of selling tangible
21 personal property at retail in this State;
- 22 3. The total amount of taxable receipts received by him
23 during the preceding calendar month from sales of tangible
24 personal property by him during such preceding calendar
25 month, including receipts from charge and time sales, but
26 less all deductions allowed by law;

1 4. The amount of credit provided in Section 2d of this
2 Act;

3 5. The amount of tax due; and

4 6. Such other reasonable information as the Department
5 may require.

6 Beginning on October 1, 2003, any person who is not a
7 licensed distributor, importing distributor, or manufacturer,
8 as defined in the Liquor Control Act of 1934, but is engaged in
9 the business of selling, at retail, alcoholic liquor shall file
10 a statement with the Department of Revenue, in a format and at
11 a time prescribed by the Department, showing the total amount
12 paid for alcoholic liquor purchased during the preceding month
13 and such other information as is reasonably required by the
14 Department. The Department may adopt rules to require that this
15 statement be filed in an electronic or telephonic format. Such
16 rules may provide for exceptions from the filing requirements
17 of this paragraph. For the purposes of this paragraph, the term
18 "alcoholic liquor" shall have the meaning prescribed in the
19 Liquor Control Act of 1934.

20 Beginning on October 1, 2003, every distributor, importing
21 distributor, and manufacturer of alcoholic liquor as defined in
22 the Liquor Control Act of 1934, shall file a statement with the
23 Department of Revenue, no later than the 10th day of the month
24 for the preceding month during which transactions occurred, by
25 electronic means, showing the total amount of gross receipts
26 from the sale of alcoholic liquor sold or distributed during

1 the preceding month to purchasers; identifying the purchaser to
2 whom it was sold or distributed; the purchaser's tax
3 registration number; and such other information reasonably
4 required by the Department. A distributor, importing
5 distributor, or manufacturer of alcoholic liquor must
6 personally deliver, mail, or provide by electronic means to
7 each retailer listed on the monthly statement a report
8 containing a cumulative total of that distributor's, importing
9 distributor's, or manufacturer's total sales of alcoholic
10 liquor to that retailer no later than the 10th day of the month
11 for the preceding month during which the transaction occurred.
12 The distributor, importing distributor, or manufacturer shall
13 notify the retailer as to the method by which the distributor,
14 importing distributor, or manufacturer will provide the sales
15 information. If the retailer is unable to receive the sales
16 information by electronic means, the distributor, importing
17 distributor, or manufacturer shall furnish the sales
18 information by personal delivery or by mail. For purposes of
19 this paragraph, the term "electronic means" includes, but is
20 not limited to, the use of a secure Internet website, e-mail,
21 or facsimile.

22 If a total amount of less than \$1 is payable, refundable or
23 creditable, such amount shall be disregarded if it is less than
24 50 cents and shall be increased to \$1 if it is 50 cents or more.

25 Beginning October 1, 1993, a taxpayer who has an average
26 monthly tax liability of \$150,000 or more shall make all

1 payments required by rules of the Department by electronic
2 funds transfer. Beginning October 1, 1994, a taxpayer who has
3 an average monthly tax liability of \$100,000 or more shall make
4 all payments required by rules of the Department by electronic
5 funds transfer. Beginning October 1, 1995, a taxpayer who has
6 an average monthly tax liability of \$50,000 or more shall make
7 all payments required by rules of the Department by electronic
8 funds transfer. Beginning October 1, 2000, a taxpayer who has
9 an annual tax liability of \$200,000 or more shall make all
10 payments required by rules of the Department by electronic
11 funds transfer. The term "annual tax liability" shall be the
12 sum of the taxpayer's liabilities under this Act, and under all
13 other State and local occupation and use tax laws administered
14 by the Department, for the immediately preceding calendar year.
15 The term "average monthly tax liability" shall be the sum of
16 the taxpayer's liabilities under this Act, and under all other
17 State and local occupation and use tax laws administered by the
18 Department, for the immediately preceding calendar year
19 divided by 12. Beginning on October 1, 2002, a taxpayer who has
20 a tax liability in the amount set forth in subsection (b) of
21 Section 2505-210 of the Department of Revenue Law shall make
22 all payments required by rules of the Department by electronic
23 funds transfer.

24 Before August 1 of each year beginning in 1993, the
25 Department shall notify all taxpayers required to make payments
26 by electronic funds transfer. All taxpayers required to make

1 payments by electronic funds transfer shall make those payments
2 for a minimum of one year beginning on October 1.

3 Any taxpayer not required to make payments by electronic
4 funds transfer may make payments by electronic funds transfer
5 with the permission of the Department.

6 All taxpayers required to make payment by electronic funds
7 transfer and any taxpayers authorized to voluntarily make
8 payments by electronic funds transfer shall make those payments
9 in the manner authorized by the Department.

10 The Department shall adopt such rules as are necessary to
11 effectuate a program of electronic funds transfer and the
12 requirements of this Section.

13 Any amount which is required to be shown or reported on any
14 return or other document under this Act shall, if such amount
15 is not a whole-dollar amount, be increased to the nearest
16 whole-dollar amount in any case where the fractional part of a
17 dollar is 50 cents or more, and decreased to the nearest
18 whole-dollar amount where the fractional part of a dollar is
19 less than 50 cents.

20 If the retailer is otherwise required to file a monthly
21 return and if the retailer's average monthly tax liability to
22 the Department does not exceed \$200, the Department may
23 authorize his returns to be filed on a quarter annual basis,
24 with the return for January, February and March of a given year
25 being due by April 20 of such year; with the return for April,
26 May and June of a given year being due by July 20 of such year;

1 with the return for July, August and September of a given year
2 being due by October 20 of such year, and with the return for
3 October, November and December of a given year being due by
4 January 20 of the following year.

5 If the retailer is otherwise required to file a monthly or
6 quarterly return and if the retailer's average monthly tax
7 liability with the Department does not exceed \$50, the
8 Department may authorize his returns to be filed on an annual
9 basis, with the return for a given year being due by January 20
10 of the following year.

11 Such quarter annual and annual returns, as to form and
12 substance, shall be subject to the same requirements as monthly
13 returns.

14 Notwithstanding any other provision in this Act concerning
15 the time within which a retailer may file his return, in the
16 case of any retailer who ceases to engage in a kind of business
17 which makes him responsible for filing returns under this Act,
18 such retailer shall file a final return under this Act with the
19 Department not more than one month after discontinuing such
20 business.

21 Where the same person has more than one business registered
22 with the Department under separate registrations under this
23 Act, such person may not file each return that is due as a
24 single return covering all such registered businesses, but
25 shall file separate returns for each such registered business.

26 In addition, with respect to motor vehicles, watercraft,

1 aircraft, and trailers that are required to be registered with
2 an agency of this State, every retailer selling this kind of
3 tangible personal property shall file, with the Department,
4 upon a form to be prescribed and supplied by the Department, a
5 separate return for each such item of tangible personal
6 property which the retailer sells, except that if, in the same
7 transaction, (i) a retailer of aircraft, watercraft, motor
8 vehicles or trailers transfers more than one aircraft,
9 watercraft, motor vehicle or trailer to another aircraft,
10 watercraft, motor vehicle retailer or trailer retailer for the
11 purpose of resale or (ii) a retailer of aircraft, watercraft,
12 motor vehicles, or trailers transfers more than one aircraft,
13 watercraft, motor vehicle, or trailer to a purchaser for use as
14 a qualifying rolling stock as provided in Section 2-5 of this
15 Act, then that seller may report the transfer of all aircraft,
16 watercraft, motor vehicles or trailers involved in that
17 transaction to the Department on the same uniform
18 invoice-transaction reporting return form. For purposes of
19 this Section, "watercraft" means a Class 2, Class 3, or Class 4
20 watercraft as defined in Section 3-2 of the Boat Registration
21 and Safety Act, a personal watercraft, or any boat equipped
22 with an inboard motor.

23 Any retailer who sells only motor vehicles, watercraft,
24 aircraft, or trailers that are required to be registered with
25 an agency of this State, so that all retailers' occupation tax
26 liability is required to be reported, and is reported, on such

1 transaction reporting returns and who is not otherwise required
2 to file monthly or quarterly returns, need not file monthly or
3 quarterly returns. However, those retailers shall be required
4 to file returns on an annual basis.

5 The transaction reporting return, in the case of motor
6 vehicles or trailers that are required to be registered with an
7 agency of this State, shall be the same document as the Uniform
8 Invoice referred to in Section 5-402 of The Illinois Vehicle
9 Code and must show the name and address of the seller; the name
10 and address of the purchaser; the amount of the selling price
11 including the amount allowed by the retailer for traded-in
12 property, if any; the amount allowed by the retailer for the
13 traded-in tangible personal property, if any, to the extent to
14 which Section 1 of this Act allows an exemption for the value
15 of traded-in property; the balance payable after deducting such
16 trade-in allowance from the total selling price; the amount of
17 tax due from the retailer with respect to such transaction; the
18 amount of tax collected from the purchaser by the retailer on
19 such transaction (or satisfactory evidence that such tax is not
20 due in that particular instance, if that is claimed to be the
21 fact); the place and date of the sale; a sufficient
22 identification of the property sold; such other information as
23 is required in Section 5-402 of The Illinois Vehicle Code, and
24 such other information as the Department may reasonably
25 require.

26 The transaction reporting return in the case of watercraft

1 or aircraft must show the name and address of the seller; the
2 name and address of the purchaser; the amount of the selling
3 price including the amount allowed by the retailer for
4 traded-in property, if any; the amount allowed by the retailer
5 for the traded-in tangible personal property, if any, to the
6 extent to which Section 1 of this Act allows an exemption for
7 the value of traded-in property; the balance payable after
8 deducting such trade-in allowance from the total selling price;
9 the amount of tax due from the retailer with respect to such
10 transaction; the amount of tax collected from the purchaser by
11 the retailer on such transaction (or satisfactory evidence that
12 such tax is not due in that particular instance, if that is
13 claimed to be the fact); the place and date of the sale, a
14 sufficient identification of the property sold, and such other
15 information as the Department may reasonably require.

16 Such transaction reporting return shall be filed not later
17 than 20 days after the day of delivery of the item that is
18 being sold, but may be filed by the retailer at any time sooner
19 than that if he chooses to do so. The transaction reporting
20 return and tax remittance or proof of exemption from the
21 Illinois use tax may be transmitted to the Department by way of
22 the State agency with which, or State officer with whom the
23 tangible personal property must be titled or registered (if
24 titling or registration is required) if the Department and such
25 agency or State officer determine that this procedure will
26 expedite the processing of applications for title or

1 registration.

2 With each such transaction reporting return, the retailer
3 shall remit the proper amount of tax due (or shall submit
4 satisfactory evidence that the sale is not taxable if that is
5 the case), to the Department or its agents, whereupon the
6 Department shall issue, in the purchaser's name, a use tax
7 receipt (or a certificate of exemption if the Department is
8 satisfied that the particular sale is tax exempt) which such
9 purchaser may submit to the agency with which, or State officer
10 with whom, he must title or register the tangible personal
11 property that is involved (if titling or registration is
12 required) in support of such purchaser's application for an
13 Illinois certificate or other evidence of title or registration
14 to such tangible personal property.

15 No retailer's failure or refusal to remit tax under this
16 Act precludes a user, who has paid the proper tax to the
17 retailer, from obtaining his certificate of title or other
18 evidence of title or registration (if titling or registration
19 is required) upon satisfying the Department that such user has
20 paid the proper tax (if tax is due) to the retailer. The
21 Department shall adopt appropriate rules to carry out the
22 mandate of this paragraph.

23 If the user who would otherwise pay tax to the retailer
24 wants the transaction reporting return filed and the payment of
25 the tax or proof of exemption made to the Department before the
26 retailer is willing to take these actions and such user has not

1 paid the tax to the retailer, such user may certify to the fact
2 of such delay by the retailer and may (upon the Department
3 being satisfied of the truth of such certification) transmit
4 the information required by the transaction reporting return
5 and the remittance for tax or proof of exemption directly to
6 the Department and obtain his tax receipt or exemption
7 determination, in which event the transaction reporting return
8 and tax remittance (if a tax payment was required) shall be
9 credited by the Department to the proper retailer's account
10 with the Department, but without the 2.1% or 1.75% discount
11 provided for in this Section being allowed. When the user pays
12 the tax directly to the Department, he shall pay the tax in the
13 same amount and in the same form in which it would be remitted
14 if the tax had been remitted to the Department by the retailer.

15 Refunds made by the seller during the preceding return
16 period to purchasers, on account of tangible personal property
17 returned to the seller, shall be allowed as a deduction under
18 subdivision 5 of his monthly or quarterly return, as the case
19 may be, in case the seller had theretofore included the
20 receipts from the sale of such tangible personal property in a
21 return filed by him and had paid the tax imposed by this Act
22 with respect to such receipts.

23 Where the seller is a corporation, the return filed on
24 behalf of such corporation shall be signed by the president,
25 vice-president, secretary or treasurer or by the properly
26 accredited agent of such corporation.

1 Where the seller is a limited liability company, the return
2 filed on behalf of the limited liability company shall be
3 signed by a manager, member, or properly accredited agent of
4 the limited liability company.

5 Except as provided in this Section, the retailer filing the
6 return under this Section shall, at the time of filing such
7 return, pay to the Department the amount of tax imposed by this
8 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%
9 on and after January 1, 1990, or \$5 per calendar year,
10 whichever is greater, which is allowed to reimburse the
11 retailer for the expenses incurred in keeping records,
12 preparing and filing returns, remitting the tax and supplying
13 data to the Department on request. Any prepayment made pursuant
14 to Section 2d of this Act shall be included in the amount on
15 which such 2.1% or 1.75% discount is computed. In the case of
16 retailers who report and pay the tax on a transaction by
17 transaction basis, as provided in this Section, such discount
18 shall be taken with each such tax remittance instead of when
19 such retailer files his periodic return.

20 Before October 1, 2000, if the taxpayer's average monthly
21 tax liability to the Department under this Act, the Use Tax
22 Act, the Service Occupation Tax Act, and the Service Use Tax
23 Act, excluding any liability for prepaid sales tax to be
24 remitted in accordance with Section 2d of this Act, was \$10,000
25 or more during the preceding 4 complete calendar quarters, he
26 shall file a return with the Department each month by the 20th

1 day of the month next following the month during which such tax
2 liability is incurred and shall make payments to the Department
3 on or before the 7th, 15th, 22nd and last day of the month
4 during which such liability is incurred. On and after October
5 1, 2000, if the taxpayer's average monthly tax liability to the
6 Department under this Act, the Use Tax Act, the Service
7 Occupation Tax Act, and the Service Use Tax Act, excluding any
8 liability for prepaid sales tax to be remitted in accordance
9 with Section 2d of this Act, was \$20,000 or more during the
10 preceding 4 complete calendar quarters, he shall file a return
11 with the Department each month by the 20th day of the month
12 next following the month during which such tax liability is
13 incurred and shall make payment to the Department on or before
14 the 7th, 15th, 22nd and last day of the month during which such
15 liability is incurred. If the month during which such tax
16 liability is incurred began prior to January 1, 1985, each
17 payment shall be in an amount equal to 1/4 of the taxpayer's
18 actual liability for the month or an amount set by the
19 Department not to exceed 1/4 of the average monthly liability
20 of the taxpayer to the Department for the preceding 4 complete
21 calendar quarters (excluding the month of highest liability and
22 the month of lowest liability in such 4 quarter period). If the
23 month during which such tax liability is incurred begins on or
24 after January 1, 1985 and prior to January 1, 1987, each
25 payment shall be in an amount equal to 22.5% of the taxpayer's
26 actual liability for the month or 27.5% of the taxpayer's

1 liability for the same calendar month of the preceding year. If
2 the month during which such tax liability is incurred begins on
3 or after January 1, 1987 and prior to January 1, 1988, each
4 payment shall be in an amount equal to 22.5% of the taxpayer's
5 actual liability for the month or 26.25% of the taxpayer's
6 liability for the same calendar month of the preceding year. If
7 the month during which such tax liability is incurred begins on
8 or after January 1, 1988, and prior to January 1, 1989, or
9 begins on or after January 1, 1996, each payment shall be in an
10 amount equal to 22.5% of the taxpayer's actual liability for
11 the month or 25% of the taxpayer's liability for the same
12 calendar month of the preceding year. If the month during which
13 such tax liability is incurred begins on or after January 1,
14 1989, and prior to January 1, 1996, each payment shall be in an
15 amount equal to 22.5% of the taxpayer's actual liability for
16 the month or 25% of the taxpayer's liability for the same
17 calendar month of the preceding year or 100% of the taxpayer's
18 actual liability for the quarter monthly reporting period. The
19 amount of such quarter monthly payments shall be credited
20 against the final tax liability of the taxpayer's return for
21 that month. Before October 1, 2000, once applicable, the
22 requirement of the making of quarter monthly payments to the
23 Department by taxpayers having an average monthly tax liability
24 of \$10,000 or more as determined in the manner provided above
25 shall continue until such taxpayer's average monthly liability
26 to the Department during the preceding 4 complete calendar

1 quarters (excluding the month of highest liability and the
2 month of lowest liability) is less than \$9,000, or until such
3 taxpayer's average monthly liability to the Department as
4 computed for each calendar quarter of the 4 preceding complete
5 calendar quarter period is less than \$10,000. However, if a
6 taxpayer can show the Department that a substantial change in
7 the taxpayer's business has occurred which causes the taxpayer
8 to anticipate that his average monthly tax liability for the
9 reasonably foreseeable future will fall below the \$10,000
10 threshold stated above, then such taxpayer may petition the
11 Department for a change in such taxpayer's reporting status. On
12 and after October 1, 2000, once applicable, the requirement of
13 the making of quarter monthly payments to the Department by
14 taxpayers having an average monthly tax liability of \$20,000 or
15 more as determined in the manner provided above shall continue
16 until such taxpayer's average monthly liability to the
17 Department during the preceding 4 complete calendar quarters
18 (excluding the month of highest liability and the month of
19 lowest liability) is less than \$19,000 or until such taxpayer's
20 average monthly liability to the Department as computed for
21 each calendar quarter of the 4 preceding complete calendar
22 quarter period is less than \$20,000. However, if a taxpayer can
23 show the Department that a substantial change in the taxpayer's
24 business has occurred which causes the taxpayer to anticipate
25 that his average monthly tax liability for the reasonably
26 foreseeable future will fall below the \$20,000 threshold stated

1 above, then such taxpayer may petition the Department for a
2 change in such taxpayer's reporting status. The Department
3 shall change such taxpayer's reporting status unless it finds
4 that such change is seasonal in nature and not likely to be
5 long term. If any such quarter monthly payment is not paid at
6 the time or in the amount required by this Section, then the
7 taxpayer shall be liable for penalties and interest on the
8 difference between the minimum amount due as a payment and the
9 amount of such quarter monthly payment actually and timely
10 paid, except insofar as the taxpayer has previously made
11 payments for that month to the Department in excess of the
12 minimum payments previously due as provided in this Section.
13 The Department shall make reasonable rules and regulations to
14 govern the quarter monthly payment amount and quarter monthly
15 payment dates for taxpayers who file on other than a calendar
16 monthly basis.

17 The provisions of this paragraph apply before October 1,
18 2001. Without regard to whether a taxpayer is required to make
19 quarter monthly payments as specified above, any taxpayer who
20 is required by Section 2d of this Act to collect and remit
21 prepaid taxes and has collected prepaid taxes which average in
22 excess of \$25,000 per month during the preceding 2 complete
23 calendar quarters, shall file a return with the Department as
24 required by Section 2f and shall make payments to the
25 Department on or before the 7th, 15th, 22nd and last day of the
26 month during which such liability is incurred. If the month

1 during which such tax liability is incurred began prior to the
2 effective date of this amendatory Act of 1985, each payment
3 shall be in an amount not less than 22.5% of the taxpayer's
4 actual liability under Section 2d. If the month during which
5 such tax liability is incurred begins on or after January 1,
6 1986, each payment shall be in an amount equal to 22.5% of the
7 taxpayer's actual liability for the month or 27.5% of the
8 taxpayer's liability for the same calendar month of the
9 preceding calendar year. If the month during which such tax
10 liability is incurred begins on or after January 1, 1987, each
11 payment shall be in an amount equal to 22.5% of the taxpayer's
12 actual liability for the month or 26.25% of the taxpayer's
13 liability for the same calendar month of the preceding year.
14 The amount of such quarter monthly payments shall be credited
15 against the final tax liability of the taxpayer's return for
16 that month filed under this Section or Section 2f, as the case
17 may be. Once applicable, the requirement of the making of
18 quarter monthly payments to the Department pursuant to this
19 paragraph shall continue until such taxpayer's average monthly
20 prepaid tax collections during the preceding 2 complete
21 calendar quarters is \$25,000 or less. If any such quarter
22 monthly payment is not paid at the time or in the amount
23 required, the taxpayer shall be liable for penalties and
24 interest on such difference, except insofar as the taxpayer has
25 previously made payments for that month in excess of the
26 minimum payments previously due.

1 The provisions of this paragraph apply on and after October
2 1, 2001. Without regard to whether a taxpayer is required to
3 make quarter monthly payments as specified above, any taxpayer
4 who is required by Section 2d of this Act to collect and remit
5 prepaid taxes and has collected prepaid taxes that average in
6 excess of \$20,000 per month during the preceding 4 complete
7 calendar quarters shall file a return with the Department as
8 required by Section 2f and shall make payments to the
9 Department on or before the 7th, 15th, 22nd and last day of the
10 month during which the liability is incurred. Each payment
11 shall be in an amount equal to 22.5% of the taxpayer's actual
12 liability for the month or 25% of the taxpayer's liability for
13 the same calendar month of the preceding year. The amount of
14 the quarter monthly payments shall be credited against the
15 final tax liability of the taxpayer's return for that month
16 filed under this Section or Section 2f, as the case may be.
17 Once applicable, the requirement of the making of quarter
18 monthly payments to the Department pursuant to this paragraph
19 shall continue until the taxpayer's average monthly prepaid tax
20 collections during the preceding 4 complete calendar quarters
21 (excluding the month of highest liability and the month of
22 lowest liability) is less than \$19,000 or until such taxpayer's
23 average monthly liability to the Department as computed for
24 each calendar quarter of the 4 preceding complete calendar
25 quarters is less than \$20,000. If any such quarter monthly
26 payment is not paid at the time or in the amount required, the

1 taxpayer shall be liable for penalties and interest on such
2 difference, except insofar as the taxpayer has previously made
3 payments for that month in excess of the minimum payments
4 previously due.

5 If any payment provided for in this Section exceeds the
6 taxpayer's liabilities under this Act, the Use Tax Act, the
7 Service Occupation Tax Act and the Service Use Tax Act, as
8 shown on an original monthly return, the Department shall, if
9 requested by the taxpayer, issue to the taxpayer a credit
10 memorandum no later than 30 days after the date of payment. The
11 credit evidenced by such credit memorandum may be assigned by
12 the taxpayer to a similar taxpayer under this Act, the Use Tax
13 Act, the Service Occupation Tax Act or the Service Use Tax Act,
14 in accordance with reasonable rules and regulations to be
15 prescribed by the Department. If no such request is made, the
16 taxpayer may credit such excess payment against tax liability
17 subsequently to be remitted to the Department under this Act,
18 the Use Tax Act, the Service Occupation Tax Act or the Service
19 Use Tax Act, in accordance with reasonable rules and
20 regulations prescribed by the Department. If the Department
21 subsequently determined that all or any part of the credit
22 taken was not actually due to the taxpayer, the taxpayer's 2.1%
23 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%
24 of the difference between the credit taken and that actually
25 due, and that taxpayer shall be liable for penalties and
26 interest on such difference.

1 If a retailer of motor fuel is entitled to a credit under
2 Section 2d of this Act which exceeds the taxpayer's liability
3 to the Department under this Act for the month which the
4 taxpayer is filing a return, the Department shall issue the
5 taxpayer a credit memorandum for the excess.

6 Beginning January 1, 1990, each month the Department shall
7 pay into the Local Government Tax Fund, a special fund in the
8 State treasury which is hereby created, the net revenue
9 realized for the preceding month from the 1% tax on sales of
10 food for human consumption which is to be consumed off the
11 premises where it is sold (other than alcoholic beverages, soft
12 drinks and food which has been prepared for immediate
13 consumption) and prescription and nonprescription medicines,
14 drugs, medical appliances and insulin, urine testing
15 materials, syringes and needles used by diabetics.

16 Beginning January 1, 1990, each month the Department shall
17 pay into the County and Mass Transit District Fund, a special
18 fund in the State treasury which is hereby created, 4% of the
19 net revenue realized for the preceding month from the 6.25%
20 general rate.

21 Beginning August 1, 2000, each month the Department shall
22 pay into the County and Mass Transit District Fund 20% of the
23 net revenue realized for the preceding month from the 1.25%
24 rate on the selling price of motor fuel and gasohol. Beginning
25 September 1, 2010, each month the Department shall pay into the
26 County and Mass Transit District Fund 20% of the net revenue

1 realized for the preceding month from the 1.25% rate on the
2 selling price of sales tax holiday items.

3 Beginning January 1, 1990, each month the Department shall
4 pay into the Local Government Tax Fund 16% of the net revenue
5 realized for the preceding month from the 6.25% general rate on
6 the selling price of tangible personal property.

7 Beginning August 1, 2000, each month the Department shall
8 pay into the Local Government Tax Fund 80% of the net revenue
9 realized for the preceding month from the 1.25% rate on the
10 selling price of motor fuel and gasohol. Beginning September 1,
11 2010, each month the Department shall pay into the Local
12 Government Tax Fund 80% of the net revenue realized for the
13 preceding month from the 1.25% rate on the selling price of
14 sales tax holiday items.

15 Beginning October 1, 2009, each month the Department shall
16 pay into the Capital Projects Fund an amount that is equal to
17 an amount estimated by the Department to represent 80% of the
18 net revenue realized for the preceding month from the sale of
19 candy, grooming and hygiene products, and soft drinks that had
20 been taxed at a rate of 1% prior to September 1, 2009 but that
21 is now taxed at 6.25%.

22 Beginning July 1, 2011, each month the Department shall pay
23 into the Clean Air Act (CAA) Permit Fund 80% of the net revenue
24 realized for the preceding month from the 6.25% general rate on
25 the selling price of sorbents used in Illinois in the process
26 of sorbent injection as used to comply with the Environmental

1 Protection Act or the federal Clean Air Act, but the total
 2 payment into the Clean Air Act (CAA) Permit Fund under this Act
 3 and the Use Tax Act shall not exceed \$2,000,000 in any fiscal
 4 year.

5 Of the remainder of the moneys received by the Department
 6 pursuant to this Act, (a) 1.75% thereof shall be paid into the
 7 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
 8 and after July 1, 1989, 3.8% thereof shall be paid into the
 9 Build Illinois Fund; provided, however, that if in any fiscal
 10 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
 11 may be, of the moneys received by the Department and required
 12 to be paid into the Build Illinois Fund pursuant to this Act,
 13 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
 14 Act, and Section 9 of the Service Occupation Tax Act, such Acts
 15 being hereinafter called the "Tax Acts" and such aggregate of
 16 2.2% or 3.8%, as the case may be, of moneys being hereinafter
 17 called the "Tax Act Amount", and (2) the amount transferred to
 18 the Build Illinois Fund from the State and Local Sales Tax
 19 Reform Fund shall be less than the Annual Specified Amount (as
 20 hereinafter defined), an amount equal to the difference shall
 21 be immediately paid into the Build Illinois Fund from other
 22 moneys received by the Department pursuant to the Tax Acts; the
 23 "Annual Specified Amount" means the amounts specified below for
 24 fiscal years 1986 through 1993:

25	Fiscal Year	Annual Specified Amount
26	1986	\$54,800,000

1	1987	\$76,650,000
2	1988	\$80,480,000
3	1989	\$88,510,000
4	1990	\$115,330,000
5	1991	\$145,470,000
6	1992	\$182,730,000
7	1993	\$206,520,000;

8 and means the Certified Annual Debt Service Requirement (as
9 defined in Section 13 of the Build Illinois Bond Act) or the
10 Tax Act Amount, whichever is greater, for fiscal year 1994 and
11 each fiscal year thereafter; and further provided, that if on
12 the last business day of any month the sum of (1) the Tax Act
13 Amount required to be deposited into the Build Illinois Bond
14 Account in the Build Illinois Fund during such month and (2)
15 the amount transferred to the Build Illinois Fund from the
16 State and Local Sales Tax Reform Fund shall have been less than
17 1/12 of the Annual Specified Amount, an amount equal to the
18 difference shall be immediately paid into the Build Illinois
19 Fund from other moneys received by the Department pursuant to
20 the Tax Acts; and, further provided, that in no event shall the
21 payments required under the preceding proviso result in
22 aggregate payments into the Build Illinois Fund pursuant to
23 this clause (b) for any fiscal year in excess of the greater of
24 (i) the Tax Act Amount or (ii) the Annual Specified Amount for
25 such fiscal year. The amounts payable into the Build Illinois
26 Fund under clause (b) of the first sentence in this paragraph

1 shall be payable only until such time as the aggregate amount
2 on deposit under each trust indenture securing Bonds issued and
3 outstanding pursuant to the Build Illinois Bond Act is
4 sufficient, taking into account any future investment income,
5 to fully provide, in accordance with such indenture, for the
6 defeasance of or the payment of the principal of, premium, if
7 any, and interest on the Bonds secured by such indenture and on
8 any Bonds expected to be issued thereafter and all fees and
9 costs payable with respect thereto, all as certified by the
10 Director of the Bureau of the Budget (now Governor's Office of
11 Management and Budget). If on the last business day of any
12 month in which Bonds are outstanding pursuant to the Build
13 Illinois Bond Act, the aggregate of moneys deposited in the
14 Build Illinois Bond Account in the Build Illinois Fund in such
15 month shall be less than the amount required to be transferred
16 in such month from the Build Illinois Bond Account to the Build
17 Illinois Bond Retirement and Interest Fund pursuant to Section
18 13 of the Build Illinois Bond Act, an amount equal to such
19 deficiency shall be immediately paid from other moneys received
20 by the Department pursuant to the Tax Acts to the Build
21 Illinois Fund; provided, however, that any amounts paid to the
22 Build Illinois Fund in any fiscal year pursuant to this
23 sentence shall be deemed to constitute payments pursuant to
24 clause (b) of the first sentence of this paragraph and shall
25 reduce the amount otherwise payable for such fiscal year
26 pursuant to that clause (b). The moneys received by the

1 Department pursuant to this Act and required to be deposited
 2 into the Build Illinois Fund are subject to the pledge, claim
 3 and charge set forth in Section 12 of the Build Illinois Bond
 4 Act.

5 Subject to payment of amounts into the Build Illinois Fund
 6 as provided in the preceding paragraph or in any amendment
 7 thereto hereafter enacted, the following specified monthly
 8 installment of the amount requested in the certificate of the
 9 Chairman of the Metropolitan Pier and Exposition Authority
 10 provided under Section 8.25f of the State Finance Act, but not
 11 in excess of sums designated as "Total Deposit", shall be
 12 deposited in the aggregate from collections under Section 9 of
 13 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
 14 9 of the Service Occupation Tax Act, and Section 3 of the
 15 Retailers' Occupation Tax Act into the McCormick Place
 16 Expansion Project Fund in the specified fiscal years.

	Fiscal Year	Total Deposit
18	1993	\$0
19	1994	53,000,000
20	1995	58,000,000
21	1996	61,000,000
22	1997	64,000,000
23	1998	68,000,000
24	1999	71,000,000
25	2000	75,000,000

1	2001	80,000,000
2	2002	93,000,000
3	2003	99,000,000
4	2004	103,000,000
5	2005	108,000,000
6	2006	113,000,000
7	2007	119,000,000
8	2008	126,000,000
9	2009	132,000,000
10	2010	139,000,000
11	2011	146,000,000
12	2012	153,000,000
13	2013	161,000,000
14	2014	170,000,000
15	2015	179,000,000
16	2016	189,000,000
17	2017	199,000,000
18	2018	210,000,000
19	2019	221,000,000
20	2020	233,000,000
21	2021	246,000,000
22	2022	260,000,000
23	2023	275,000,000
24	2024	275,000,000
25	2025	275,000,000
26	2026	279,000,000

1	2027	292,000,000
2	2028	307,000,000
3	2029	322,000,000
4	2030	338,000,000
5	2031	350,000,000
6	2032	350,000,000

7 and

8 each fiscal year

9 thereafter that bonds

10 are outstanding under

11 Section 13.2 of the

12 Metropolitan Pier and

13 Exposition Authority Act,

14 but not after fiscal year 2060.

15 Beginning July 20, 1993 and in each month of each fiscal
 16 year thereafter, one-eighth of the amount requested in the
 17 certificate of the Chairman of the Metropolitan Pier and
 18 Exposition Authority for that fiscal year, less the amount
 19 deposited into the McCormick Place Expansion Project Fund by
 20 the State Treasurer in the respective month under subsection
 21 (g) of Section 13 of the Metropolitan Pier and Exposition
 22 Authority Act, plus cumulative deficiencies in the deposits
 23 required under this Section for previous months and years,
 24 shall be deposited into the McCormick Place Expansion Project
 25 Fund, until the full amount requested for the fiscal year, but
 26 not in excess of the amount specified above as "Total Deposit",

1 has been deposited.

2 Subject to payment of amounts into the Build Illinois Fund
3 and the McCormick Place Expansion Project Fund pursuant to the
4 preceding paragraphs or in any amendments thereto hereafter
5 enacted, beginning July 1, 1993, the Department shall each
6 month pay into the Illinois Tax Increment Fund 0.27% of 80% of
7 the net revenue realized for the preceding month from the 6.25%
8 general rate on the selling price of tangible personal
9 property.

10 Subject to payment of amounts into the Build Illinois Fund
11 and the McCormick Place Expansion Project Fund pursuant to the
12 preceding paragraphs or in any amendments thereto hereafter
13 enacted, beginning with the receipt of the first report of
14 taxes paid by an eligible business and continuing for a 25-year
15 period, the Department shall each month pay into the Energy
16 Infrastructure Fund 80% of the net revenue realized from the
17 6.25% general rate on the selling price of Illinois-mined coal
18 that was sold to an eligible business. For purposes of this
19 paragraph, the term "eligible business" means a new electric
20 generating facility certified pursuant to Section 605-332 of
21 the Department of Commerce and Economic Opportunity Law of the
22 Civil Administrative Code of Illinois.

23 Of the remainder of the moneys received by the Department
24 pursuant to this Act, 75% thereof shall be paid into the State
25 Treasury and 25% shall be reserved in a special account and
26 used only for the transfer to the Common School Fund as part of

1 the monthly transfer from the General Revenue Fund in
2 accordance with Section 8a of the State Finance Act.

3 The Department may, upon separate written notice to a
4 taxpayer, require the taxpayer to prepare and file with the
5 Department on a form prescribed by the Department within not
6 less than 60 days after receipt of the notice an annual
7 information return for the tax year specified in the notice.
8 Such annual return to the Department shall include a statement
9 of gross receipts as shown by the retailer's last Federal
10 income tax return. If the total receipts of the business as
11 reported in the Federal income tax return do not agree with the
12 gross receipts reported to the Department of Revenue for the
13 same period, the retailer shall attach to his annual return a
14 schedule showing a reconciliation of the 2 amounts and the
15 reasons for the difference. The retailer's annual return to the
16 Department shall also disclose the cost of goods sold by the
17 retailer during the year covered by such return, opening and
18 closing inventories of such goods for such year, costs of goods
19 used from stock or taken from stock and given away by the
20 retailer during such year, payroll information of the
21 retailer's business during such year and any additional
22 reasonable information which the Department deems would be
23 helpful in determining the accuracy of the monthly, quarterly
24 or annual returns filed by such retailer as provided for in
25 this Section.

26 If the annual information return required by this Section

1 is not filed when and as required, the taxpayer shall be liable
2 as follows:

3 (i) Until January 1, 1994, the taxpayer shall be liable
4 for a penalty equal to 1/6 of 1% of the tax due from such
5 taxpayer under this Act during the period to be covered by
6 the annual return for each month or fraction of a month
7 until such return is filed as required, the penalty to be
8 assessed and collected in the same manner as any other
9 penalty provided for in this Act.

10 (ii) On and after January 1, 1994, the taxpayer shall
11 be liable for a penalty as described in Section 3-4 of the
12 Uniform Penalty and Interest Act.

13 The chief executive officer, proprietor, owner or highest
14 ranking manager shall sign the annual return to certify the
15 accuracy of the information contained therein. Any person who
16 willfully signs the annual return containing false or
17 inaccurate information shall be guilty of perjury and punished
18 accordingly. The annual return form prescribed by the
19 Department shall include a warning that the person signing the
20 return may be liable for perjury.

21 The provisions of this Section concerning the filing of an
22 annual information return do not apply to a retailer who is not
23 required to file an income tax return with the United States
24 Government.

25 As soon as possible after the first day of each month, upon
26 certification of the Department of Revenue, the Comptroller

1 shall order transferred and the Treasurer shall transfer from
2 the General Revenue Fund to the Motor Fuel Tax Fund an amount
3 equal to 1.7% of 80% of the net revenue realized under this Act
4 for the second preceding month. Beginning April 1, 2000, this
5 transfer is no longer required and shall not be made.

6 Net revenue realized for a month shall be the revenue
7 collected by the State pursuant to this Act, less the amount
8 paid out during that month as refunds to taxpayers for
9 overpayment of liability.

10 For greater simplicity of administration, manufacturers,
11 importers and wholesalers whose products are sold at retail in
12 Illinois by numerous retailers, and who wish to do so, may
13 assume the responsibility for accounting and paying to the
14 Department all tax accruing under this Act with respect to such
15 sales, if the retailers who are affected do not make written
16 objection to the Department to this arrangement.

17 Any person who promotes, organizes, provides retail
18 selling space for concessionaires or other types of sellers at
19 the Illinois State Fair, DuQuoin State Fair, county fairs,
20 local fairs, art shows, flea markets and similar exhibitions or
21 events, including any transient merchant as defined by Section
22 2 of the Transient Merchant Act of 1987, is required to file a
23 report with the Department providing the name of the merchant's
24 business, the name of the person or persons engaged in
25 merchant's business, the permanent address and Illinois
26 Retailers Occupation Tax Registration Number of the merchant,

1 the dates and location of the event and other reasonable
2 information that the Department may require. The report must be
3 filed not later than the 20th day of the month next following
4 the month during which the event with retail sales was held.
5 Any person who fails to file a report required by this Section
6 commits a business offense and is subject to a fine not to
7 exceed \$250.

8 Any person engaged in the business of selling tangible
9 personal property at retail as a concessionaire or other type
10 of seller at the Illinois State Fair, county fairs, art shows,
11 flea markets and similar exhibitions or events, or any
12 transient merchants, as defined by Section 2 of the Transient
13 Merchant Act of 1987, may be required to make a daily report of
14 the amount of such sales to the Department and to make a daily
15 payment of the full amount of tax due. The Department shall
16 impose this requirement when it finds that there is a
17 significant risk of loss of revenue to the State at such an
18 exhibition or event. Such a finding shall be based on evidence
19 that a substantial number of concessionaires or other sellers
20 who are not residents of Illinois will be engaging in the
21 business of selling tangible personal property at retail at the
22 exhibition or event, or other evidence of a significant risk of
23 loss of revenue to the State. The Department shall notify
24 concessionaires and other sellers affected by the imposition of
25 this requirement. In the absence of notification by the
26 Department, the concessionaires and other sellers shall file

1 their returns as otherwise required in this Section.

2 (Source: P.A. 95-331, eff. 8-21-07; 96-34, eff. 7-13-09; 96-38,
3 eff. 7-13-09; 96-898, eff. 5-27-10; 96-1012, eff. 7-7-10;
4 revised 7-22-10.)

5 Section 20. The Environmental Protection Act is amended by
6 changing Sections 9, 9.1, 9.6, 9.12, 39, and 39.5 and adding
7 Sections 3.207, 9.14, 9.15, 39.10, 39.12, and 39.14 as follows:

8 (415 ILCS 5/3.207 new)

9 Sec. 3.207. Greenhouse gases. "Greenhouse gases" or "GHG"
10 means the air pollutant defined in 40 CFR 86.1818-12(a) as the
11 aggregate group of 6 greenhouse gases: carbon dioxide, nitrous
12 oxide, methane, hydrofluorocarbons, perfluorocarbons, and
13 sulfur hexafluoride.

14 (415 ILCS 5/9) (from Ch. 111 1/2, par. 1009)

15 Sec. 9. Acts prohibited. No person shall:

16 (a) Cause or threaten or allow the discharge or emission of
17 any contaminant into the environment in any State so as to
18 cause or tend to cause air pollution in Illinois, either alone
19 or in combination with contaminants from other sources, or so
20 as to violate regulations or standards adopted by the Board
21 under this Act. †

22 (b) Construct, install, or operate any equipment,
23 facility, vehicle, vessel, or aircraft capable of causing or

1 contributing to air pollution or designed to prevent air
2 pollution, of any type designated by Board regulations, (1)
3 without a permit granted by the Agency unless otherwise exempt
4 by this Act or Board regulations, or (2) in violation of any
5 conditions imposed by such permit. †

6 (c) Cause or allow the open burning of refuse, conduct any
7 salvage operation by open burning, or cause or allow the
8 burning of any refuse in any chamber not specifically designed
9 for the purpose and approved by the Agency pursuant to
10 regulations adopted by the Board under this Act; except that
11 the Board may adopt regulations permitting open burning of
12 refuse in certain cases upon a finding that no harm will result
13 from such burning, or that any alternative method of disposing
14 of such refuse would create a safety hazard so extreme as to
15 justify the pollution that would result from such burning. †

16 (d) Sell, offer, or use any fuel or other article in any
17 areas in which the Board may by regulation forbid its sale,
18 offer, or use for reasons of air-pollution control. †

19 (e) Use, cause or allow the spraying of loose asbestos for
20 the purpose of fireproofing or insulating any building or
21 building material or other constructions, or otherwise use
22 asbestos in such unconfined manner as to permit asbestos fibers
23 or particles to pollute the air. †

24 (f) Commencing July 1, 1985, sell any used oil for burning
25 or incineration in any incinerator, boiler, furnace, burner or
26 other equipment unless such oil meets standards based on virgin

1 fuel oil or re-refined oil, as defined in ASTM D-396 or
2 specifications under VV-F-815C promulgated pursuant to the
3 federal Energy Policy and Conservation Act, and meets the
4 manufacturer's and current NFPA code standards for which such
5 incinerator, boiler, furnace, burner or other equipment was
6 approved, except that this prohibition does not apply to a sale
7 to a permitted used oil re-refining or reprocessing facility or
8 sale to a facility permitted by the Agency to burn or
9 incinerate such oil.

10 Nothing herein shall limit the effect of any section of
11 this Title with respect to any form of asbestos, or the
12 spraying of any form of asbestos, or limit the power of the
13 Board under this Title to adopt additional and further
14 regulations with respect to any form of asbestos, or the
15 spraying of any form of asbestos.

16 This Section shall not limit the burning of landscape waste
17 upon the premises where it is produced or at sites provided and
18 supervised by any unit of local government, except within any
19 county having a population of more than 400,000. Nothing in
20 this Section shall prohibit the burning of landscape waste for
21 agricultural purposes, habitat management (including but not
22 limited to forest and prairie reclamation), or firefighter
23 training. For the purposes of this Act, the burning of
24 landscape waste by production nurseries shall be considered to
25 be burning for agricultural purposes.

26 Any grain elevator located outside of a major population

1 area, as defined in Section 211.3610 of Title 35 of the
2 Illinois Administrative Code, shall be exempt from the
3 requirements of Section 212.462 of Title 35 of the Illinois
4 Administrative Code provided that the elevator: (1) does not
5 violate the prohibitions of subsection (a) of this Section or
6 have a certified investigation, as defined in Section 211.970
7 of Title 35 of the Illinois Administrative Code, on file with
8 the Agency and (2) is not required to obtain a Clean Air Act
9 Permit Program permit pursuant to Section 39.5.
10 Notwithstanding the above exemption, new stationary source
11 performance standards for grain elevators, established
12 pursuant to Section 9.1 of this Act and Section 111 of the
13 federal Clean Air Act, shall continue to apply to grain
14 elevators.

15 (Source: P.A. 88-488; 89-328, eff. 8-17-95; 89-491, eff.
16 6-21-96.)

17 (415 ILCS 5/9.1) (from Ch. 111 1/2, par. 1009.1)

18 Sec. 9.1. (a) The General Assembly finds that the federal
19 Clean Air Act, as amended, and regulations adopted pursuant
20 thereto establish complex and detailed provisions for
21 State-federal cooperation in the field of air pollution
22 control, provide for a Prevention of Significant Deterioration
23 program to regulate the issuance of preconstruction permits to
24 insure that economic growth will occur in a manner consistent
25 with the preservation of existing clean air resources, and also

1 provide for plan requirements for nonattainment areas to
2 regulate the construction, modification and operation of
3 sources of air pollution to insure that economic growth will
4 occur in a manner consistent with the goal of achieving the
5 national ambient air quality standards, and that the General
6 Assembly cannot conveniently or advantageously set forth in
7 this Act all the requirements of such federal Act or all
8 regulations which may be established thereunder.

9 It is the purpose of this Section to avoid the existence of
10 duplicative, overlapping or conflicting State and federal
11 regulatory systems.

12 (b) The provisions of Section 111 of the federal Clean Air
13 Act (42 USC 7411), as amended, relating to standards of
14 performance for new stationary sources, and Section 112 of the
15 federal Clean Air Act (42 USC 7412), as amended, relating to
16 the establishment of national emission standards for hazardous
17 air pollutants are applicable in this State and are enforceable
18 under this Act. Any such enforcement shall be stayed consistent
19 with any stay granted in any federal judicial action to review
20 such standards. Enforcement shall be consistent with the
21 results of any such judicial review.

22 (c) The Board may adopt regulations establishing permit
23 programs meeting the requirements of Sections 165 and 173 of
24 the Clean Air Act (42 USC 7475 and 42 USC 7503) as amended. The
25 Agency may adopt procedures for the administration of such
26 programs.

1 (d) No person shall:

2 (1) violate any provisions of Sections 111, 112, 165 or
3 173 of the Clean Air Act, as now or hereafter amended, or
4 federal regulations adopted pursuant thereto; or

5 (2) construct, install, modify or operate any
6 equipment, building, facility, source or installation
7 which is subject to regulation under Sections 111, 112, 165
8 or 173 of the Clean Air Act, as now or hereafter amended,
9 except in compliance with the requirements of such Sections
10 and federal regulations adopted pursuant thereto, and no
11 such action shall be undertaken (A) without a permit
12 granted by the Agency whenever a permit is required
13 pursuant to (i) this Act or Board regulations or (ii)
14 Section 111, 112, 165, or 173 of the Clean Air Act or
15 federal regulations adopted pursuant thereto or (B) in
16 violation of any conditions imposed by such permit. Any
17 denial of such a permit or any conditions imposed in such a
18 permit shall be reviewable by the Board in accordance with
19 Section 40 of this Act.

20 (e) The Board shall exempt from regulation under the State
21 Implementation Plan for ozone the volatile organic compounds
22 which have been determined by the U.S. Environmental Protection
23 Agency to be exempt from regulation under state implementation
24 plans for ozone due to negligible photochemical reactivity. In
25 accordance with subsection (b) of Section 7.2, the Board shall
26 adopt regulations identical in substance to the U.S.

1 Environmental Protection Agency exemptions or deletion of
2 exemptions published in policy statements on the control of
3 volatile organic compounds in the Federal Register by amending
4 the list of exemptions to the Board's definition of volatile
5 organic material found at 35 Ill. Adm. Code Part 211. The
6 provisions and requirements of Title VII of this Act shall not
7 apply to regulations adopted under this subsection. Section
8 5-35 of the Illinois Administrative Procedure Act, relating to
9 procedures for rulemaking, does not apply to regulations
10 adopted under this subsection. However, the Board shall provide
11 for notice, a hearing if required by the U.S. Environmental
12 Protection Agency, and public comment before adopted rules are
13 filed with the Secretary of State. The Board may consolidate
14 into a single rulemaking under this subsection all such federal
15 policy statements published in the Federal Register within a
16 period of time not to exceed 6 months.

17 (f) If a complete application for a permit renewal is
18 submitted to the Agency at least 90 days prior to expiration of
19 the permit, all of the terms and conditions of the permit shall
20 remain in effect until final administrative action has been
21 taken on the application.

22 (Source: P.A. 87-555; 87-1213; 88-45.)

23 (415 ILCS 5/9.6) (from Ch. 111 1/2, par. 1009.6)

24 Sec. 9.6. Air pollution operating permit fee.

25 (a) For any site for which an air pollution operating

1 permit is required, other than a site permitted solely as a
2 retail liquid dispensing facility that has air pollution
3 control equipment or an agrichemical facility with an endorsed
4 permit pursuant to Section 39.4, the owner or operator of that
5 site shall pay an initial annual fee to the Agency within 30
6 days of receipt of the permit and an annual fee each year
7 thereafter for as long as a permit is in effect. The owner or
8 operator of a portable emission unit, as defined in 35 Ill.
9 Adm. Code 201.170, may change the site of any unit previously
10 permitted without paying an additional fee under this Section
11 for each site change, provided that no further change to the
12 permit is otherwise necessary or requested.

13 (b) ~~The Notwithstanding any rules to the contrary, the~~
14 following fee amounts shall apply:

15 (1) The fee for a site permitted to emit less than 25
16 tons per year of any combination of regulated air
17 pollutants, as defined in Section 39.5 of this Act, except
18 greenhouse gases, is \$100 per year beginning July 1, 1993,
19 ~~and increases to \$200 per year beginning on July 1, 2003,~~
20 and increases, beginning January 1, 2012, to \$235 per year
21 for lifetime operating permits and \$235 per year for
22 federally enforceable state operating permits, except as
23 provided in subsection (c) of this Section.

24 (2) The fee for a site permitted to emit at least 25
25 tons per year but less than 100 tons per year of any
26 combination of regulated air pollutants, as defined in

1 Section 39.5 of this Act, except greenhouse gases, is
2 ~~\$1,000 per year beginning July 1, 1993, and increases to~~
3 ~~\$1,800 per year beginning on July 1, 2003, and increases,~~
4 beginning January 1, 2012, to \$2,150 per year, except as
5 provided in subsection (c) of this Section.

6 (3) The fee for a site permitted to emit at least 100
7 tons per year of any combination of regulated air
8 pollutants, as defined in Section 39.5 of this Act, except
9 greenhouse gases, is \$18 per ton, ~~\$2,500~~ per year,
10 beginning July 1, 2003 ~~1993,~~ and increases, beginning
11 January 1, 2012 to \$21.50 per ton, ~~\$3,500~~ per year
12 ~~beginning on July 1, 2003,~~ except as provided in subsection
13 (c) of this Section. However, the maximum fee under this
14 paragraph (3) is \$3,500 before January 1, 2012, and is
15 \$4,112 beginning January 1, 2012; ~~provided, however, that~~
16 ~~the fee shall not exceed the amount that would be required~~
17 ~~for the site if it were subject to the fee requirements of~~
18 ~~Section 39.5 of this Act.~~

19 (c) The owner or operator of any site ~~source~~ subject to
20 subsection ~~paragraphs (b) (1), (b) (2), or (b) (3)~~ of this Section
21 that becomes subject to Section 39.5 of this Act shall continue
22 to pay the fee set forth in this Section until the site ~~source~~
23 becomes subject to the CAAPP fee set forth within subsection 18
24 of Section 39.5 of this Act. If an owner or operator ~~In the~~
25 ~~event a site~~ has paid a fee under this Section during the
26 12-month ~~12-month~~ period following the effective date of the

1 CAAPP for that site, the ~~fee~~ amount of that fee shall be
2 deducted from the ~~any~~ amount due under subsection 18 of Section
3 39.5 of this Act. ~~Owners or operators that are subject to~~
4 ~~paragraph (b) (1), (b) (2), or (b) (3) of this Section, but that~~
5 ~~are not also subject to Section 39.5, or excluded pursuant to~~
6 ~~subsection 1.1 or subsection 3(c) of Section 39.5 shall~~
7 ~~continue to pay the fee amounts set forth within paragraphs~~
8 ~~(b) (1), (b) (2), or (b) (3), whichever is applicable.~~

9 (d) Only one air pollution site fee may be collected from
10 any site, even if such site receives more than one air
11 pollution control permit.

12 (e) The Agency shall establish procedures for the
13 collection of air pollution site fees. Air pollution site fees
14 may be paid annually, or in advance for the number of years for
15 which the permit is issued, at the option of the owner or
16 operator. Payment in advance does not exempt the owner or
17 operator from paying any increase in the fee that may occur
18 during the term of the permit; the owner or operator must pay
19 the amount of the increase upon and from the effective date of
20 the increase.

21 (f) The Agency may deny an application for the issuance,
22 transfer, or renewal of an air pollution operating permit if
23 any air pollution site fee owed by the applicant has not been
24 paid within 60 days of the due date, unless the applicant, at
25 the time of application, pays to the Agency in advance the air
26 pollution site fee for the site that is the subject of the

1 operating permit, plus any other air pollution site fees then
2 owed by the applicant. The denial of an air pollution operating
3 permit for failure to pay an air pollution site fee shall be
4 subject to review by the Board pursuant to the provisions of
5 subsection (a) of Section 40 of this Act.

6 (g) If the Agency determines that an owner or operator of a
7 site was required, but failed, to timely obtain an air
8 pollution operating permit, and as a result avoided the payment
9 of permit fees, the Agency may collect the avoided permit fees
10 with or without pursuing enforcement under Section 31 of this
11 Act. The avoided permit fees shall be calculated as double the
12 amount that would have been owed had a permit been timely
13 obtained. Fees collected pursuant to this subsection (g) shall
14 be deposited into the Environmental Protection Permit and
15 Inspection Fund.

16 (h) If the Agency determines that an owner or operator of a
17 site was required, but failed, to timely obtain an air
18 pollution operating permit and as a result avoided the payment
19 of permit fees, an enforcement action may be brought under
20 Section 31 of this Act. In addition to any other relief that
21 may be obtained as part of this action, the Agency may seek to
22 recover the avoided permit fees. The avoided permit fees shall
23 be calculated as double the amount that would have been owed
24 had a permit been timely obtained. Fees collected pursuant to
25 this subsection (h) shall be deposited into the Environmental
26 Protection Permit and Inspection Fund.

1 (i) If a permittee subject to a fee under this Section
2 fails to pay the fee within 90 days of its due date, or makes
3 the fee payment from an account with insufficient funds to
4 cover the amount of the fee payment, the Agency shall notify
5 the permittee of the failure to pay the fee. If the permittee
6 fails to pay the fee within 60 days after such notification,
7 the Agency may, by written notice, immediately revoke the air
8 pollution operating permit. Failure of the Agency to notify the
9 permittee of failure to pay a fee due under this Section, or
10 the payment of the fee from an account with insufficient funds
11 to cover the amount of the fee payment, does not excuse or
12 alter the duty of the permittee to comply with the provisions
13 of this Section.

14 (Source: P.A. 93-32, eff. 7-1-03.)

15 (415 ILCS 5/9.12)

16 Sec. 9.12. Construction permit fees for air pollution
17 sources.

18 (a) An applicant for a new or revised air pollution
19 construction permit shall pay a fee, as established in this
20 Section, to the Agency at the time that he or she submits the
21 application for a construction permit. Except as set forth
22 below, the fee for each activity or category listed in this
23 Section is separate and is cumulative with any other applicable
24 fee listed in this Section.

25 (b) The fee amounts in this subsection (b) apply to

1 construction permit applications relating to (i) a source
2 subject to Section 39.5 of this Act (the Clean Air Act Permit
3 Program); (ii) a source that, upon issuance of the requested
4 construction permit, will become a major source subject to
5 Section 39.5; or (iii) a source that has or will require a
6 federally enforceable State operating permit limiting its
7 potential to emit.

8 (1) Base fees for each construction permit application
9 shall be assessed as follows:

10 (A) If the construction permit application relates
11 to one or more new emission units or to a combination
12 of new and modified emission units, a fee of \$4,000 for
13 the first new emission unit and a fee of \$1,000 for
14 each additional new or modified emission unit;
15 provided that the total base fee under this subdivision
16 (A) shall not exceed \$10,000.

17 (B) If the construction permit application relates
18 to one or more modified emission units but not to any
19 new emission unit, a fee of \$2,000 for the first
20 modified emission unit and a fee of \$1,000 for each
21 additional modified emission unit; provided that the
22 total base fee under this subdivision (B) shall not
23 exceed \$5,000.

24 (2) Supplemental fees for each construction permit
25 application shall be assessed as follows:

26 (A) If, based on the construction permit

1 application, the source will be, but is not currently,
2 subject to Section 39.5 of this Act, a CAAPP entry fee
3 of \$5,000.

4 (B) If the construction permit application
5 involves (i) a new source or emission unit subject to
6 Section 39.2 of this Act, (ii) a commercial incinerator
7 or other municipal waste, hazardous waste, or waste
8 tire incinerator, (iii) a commercial power generator,
9 or (iv) one or more other emission units designated as
10 a complex source by Agency rulemaking, a fee of
11 \$25,000.

12 (C) If the construction permit application
13 involves an emissions netting exercise or reliance on a
14 contemporaneous emissions decrease for a pollutant to
15 avoid application of the federal PSD program (40 CFR
16 52.21) or nonattainment new source review (35 Ill. Adm.
17 Code 203), a fee of \$3,000 for each such pollutant.

18 (D) If the construction permit application is for a
19 new major source subject to the federal PSD program, a
20 fee of \$12,000.

21 (E) If the construction permit application is for a
22 new major source subject to nonattainment new source
23 review, a fee of \$20,000.

24 (F) If the construction permit application is for a
25 major modification subject to the federal PSD program,
26 a fee of \$6,000.

1 (G) If the construction permit application is for a
2 major modification subject to nonattainment new source
3 review, a fee of \$12,000.

4 (H) (Blank). ~~If the construction permit~~
5 ~~application review involves a determination of whether~~
6 ~~an emission unit has Clean Unit Status and is therefore~~
7 ~~not subject to the Best Available Control Technology~~
8 ~~(BACT) or Lowest Achievable Emission Rate (LAER) under~~
9 ~~the federal PSD program or nonattainment new source~~
10 ~~review, a fee of \$5,000 per unit for which a~~
11 ~~determination is requested or otherwise required.~~

12 (I) If the construction permit application review
13 involves a determination of the Maximum Achievable
14 Control Technology standard for a pollutant and the
15 project is not otherwise subject to BACT or LAER for a
16 related pollutant under the federal PSD program or
17 nonattainment new source review, a fee of \$5,000 per
18 unit for which a determination is requested or
19 otherwise required.

20 (J) (Blank). ~~If the applicant is requesting a~~
21 ~~construction permit that will alter the source's~~
22 ~~status so that it is no longer a major source subject~~
23 ~~to Section 39.5 of this Act, a fee of \$4,000.~~

24 (3) If a public hearing is held regarding the
25 construction permit application, an administrative fee of
26 \$10,000. This fee shall be submitted at the time the

1 applicant requests a public hearing or, if a public hearing
2 is not requested by the applicant, then within 30 days
3 after the applicant is informed by the Agency that a public
4 hearing will be held, subject to adjustment under
5 subsection (f) of this Section.

6 (c) The fee amounts in this subsection (c) apply to
7 construction permit applications relating to a source that,
8 upon issuance of the construction permit, will not (i) be or
9 become subject to Section 39.5 of this Act (the Clean Air Act
10 Permit Program) or (ii) have or require a federally enforceable
11 state operating permit limiting its potential to emit.

12 (1) Base fees for each construction permit application
13 shall be assessed as follows:

14 (A) For a construction permit application
15 involving a single new emission unit, a fee of \$500.

16 (B) For a construction permit application
17 involving more than one new emission unit, a fee of
18 \$1,000.

19 (C) For a construction permit application
20 involving no more than 2 modified emission units, a fee
21 of \$500.

22 (D) For a construction permit application
23 involving more than 2 modified emission units, a fee of
24 \$1,000.

25 (2) Supplemental fees for each construction permit
26 application shall be assessed as follows:

1 (A) If the source is a new source, i.e., does not
2 currently have an operating permit, an entry fee of
3 \$500;

4 (B) If the construction permit application
5 involves (i) a new source or emission unit subject to
6 Section 39.2 of this Act, (ii) a commercial incinerator
7 or a municipal waste, hazardous waste, or waste tire
8 incinerator, (iii) a commercial power generator, or
9 (iv) an emission unit designated as a complex source by
10 Agency rulemaking, a fee of \$15,000.

11 (3) If a public hearing is held regarding the
12 construction permit application, an administrative fee of
13 \$10,000. This fee shall be submitted at the time the
14 applicant requests a public hearing or, if a public hearing
15 is not requested by the applicant, then within 30 days
16 after the applicant is informed by the Agency that a public
17 hearing will be held.

18 (d) If no other fee is applicable under this Section, a
19 construction permit application addressing one or more of the
20 following shall be subject to a filing fee of \$500:

21 (1) A construction permit application to add or replace
22 a control device on a permitted emission unit.

23 (2) A construction permit application to conduct a
24 pilot project or trial burn for a permitted emission unit.

25 (3) A construction permit application for a land
26 remediation project.

1 (4) (Blank). ~~A construction permit application for an~~
2 ~~insignificant activity as described in 35 Ill. Adm. Code~~
3 ~~201.210.~~

4 (5) A construction permit application to revise an
5 emissions testing methodology or the timing of required
6 emissions testing.

7 (6) A construction permit application that provides
8 for a change in the name, address, or phone number of any
9 person identified in the permit, or for a change in the
10 stated ownership or control, or for a similar minor
11 administrative permit change at the source.

12 (e) No fee shall be assessed for a request to correct an
13 issued permit that involves only an Agency error, if the
14 request is received within the deadline for a permit appeal to
15 the Pollution Control Board.

16 (f) The applicant for a new or revised air pollution
17 construction permit shall submit to the Agency, with the
18 construction permit application, both a certification of the
19 fee that he or she estimates to be due under this Section and
20 the fee itself.

21 (g) Notwithstanding the requirements of subsection (a) of
22 Section 39~~(a)~~ of this Act, the application for an air pollution
23 construction permit shall not be deemed to be filed with the
24 Agency until the Agency receives the initial air pollution
25 construction permit application fee and the certified estimate
26 of the fee required by this Section. Unless the Agency has

1 received the initial air pollution construction permit
2 application fee and the certified estimate of the fee required
3 by this Section, the Agency is not required to review or
4 process the application.

5 (h) If the Agency determines at any time that a
6 construction permit application is subject to an additional fee
7 under this Section that the applicant has not submitted, the
8 Agency shall notify the applicant in writing of the amount due
9 under this Section. The applicant shall have 60 days to remit
10 the assessed fee to the Agency.

11 If the proper fee established under this Section is not
12 submitted within 60 days after the request for further
13 remittance:

14 (1) If the construction permit has not yet been issued,
15 the Agency is not required to further review or process,
16 and the provisions of subsection (a) of Section 39~~(a)~~ of
17 this Act do not apply to, the application for a
18 construction permit until such time as the proper fee is
19 remitted.

20 (2) If the construction permit has been issued, the
21 Agency may, upon written notice, immediately revoke the
22 construction permit.

23 The denial or revocation of a construction permit does not
24 excuse the applicant from the duty of paying the fees required
25 under this Section.

26 (i) The Agency may deny the issuance of a pending air

1 pollution construction permit or the subsequent operating
2 permit if the applicant has not paid the required fees by the
3 date required for issuance of the permit. The denial or
4 revocation of a permit for failure to pay a construction permit
5 fee is subject to review by the Board pursuant to the
6 provisions of subsection (a) of Section 40 of this Act.

7 (j) If the owner or operator undertakes construction
8 without obtaining an air pollution construction permit, the fee
9 under this Section is still required. Payment of the required
10 fee does not preclude the Agency or the Attorney General or
11 other authorized persons from pursuing enforcement against the
12 applicant for failure to have an air pollution construction
13 permit prior to commencing construction.

14 (k) If an air pollution construction permittee makes a fee
15 payment under this Section from an account with insufficient
16 funds to cover the amount of the fee payment, the Agency shall
17 notify the permittee of the failure to pay the fee. If the
18 permittee fails to pay the fee within 60 days after such
19 notification, the Agency may, by written notice, immediately
20 revoke the air pollution construction permit. Failure of the
21 Agency to notify the permittee of the permittee's failure to
22 make payment does not excuse or alter the duty of the permittee
23 to comply with the provisions of this Section.

24 (l) The Agency may establish procedures for the collection
25 of air pollution construction permit fees.

26 (m) Fees collected pursuant to this Section shall be

1 deposited into the Environmental Protection Permit and
2 Inspection Fund.

3 (Source: P.A. 93-32, eff. 7-1-03.)

4 (415 ILCS 5/9.14 new)

5 Sec. 9.14. Registration of smaller sources.

6 (a) After the effective date of rules implementing this
7 Section, the owner or operator of an eligible source shall
8 annually register with the Agency instead of complying with the
9 requirement to obtain an air pollution construction or
10 operating permit under this Act. The criteria for determining
11 an eligible source shall include the following:

12 (1) the source must not be required to obtain a permit
13 pursuant to the Illinois Clean Air Act Permit Program or
14 Federally Enforceable State Operating Permit program, or
15 under regulations promulgated pursuant to Section 111 or
16 112 of the Clean Air Act;

17 (2) the USEPA has not otherwise determined that a
18 permit is required;

19 (3) the source emits less than an actual 5 tons per
20 year of combined particulate matter, carbon monoxide,
21 nitrogen oxides, sulfur dioxide, and volatile organic
22 material air pollutant emissions;

23 (4) the source emits less than an actual 0.5 tons per
24 year of combined hazardous air pollutant emissions;

25 (5) the source emits less than an actual 0.05 tons per

1 year of lead air emissions;

2 (6) the source emits less than an actual 0.05 tons per
3 year of mercury air emissions; and

4 (7) the source does not have an emission unit subject
5 to a standard pursuant to 40 CFR Part 61 Maximum Achievable
6 Control Technology, or 40 CFR Part 63 National Emissions
7 Standards for Hazardous Air Pollutants other than those
8 regulations that the USEPA has categorized as "area
9 source".

10 (b) Complete registration of an eligible source, including
11 payment of the required fee as specified in subsection (c) of
12 this Section, shall provide the owner or operator of the
13 eligible source with an exemption from the requirement to
14 obtain an air pollution construction or operating permit under
15 this Act. The registration of smaller sources program does not
16 relieve an owner or operator from the obligation to comply with
17 any other applicable rules or regulations.

18 (c) The owner or operator of an eligible source shall pay
19 an annual registration fee of \$235 to the Agency at the time of
20 registration submittal and each year thereafter. Fees
21 collected under this Section shall be deposited into the
22 Environmental Protection Permit and Inspection Fund.

23 (d) The Agency shall propose rules to implement the
24 registration of smaller sources program. Within 120 days after
25 the Agency proposes those rules, the Board shall adopt rules to
26 implement the registration of smaller sources program. These

1 rules may be subsequently amended from time to time pursuant to
2 a proposal filed with the Board by any person, and any
3 necessary amendments shall be adopted by the Board within 120
4 days after proposal. Such amendments may provide for the
5 alteration or revision of the initial criteria included in
6 subsection (a) of this Section. Subsection (b) of Section 27 of
7 this Act and the rulemaking provisions of the Illinois
8 Administrative Procedure Act do not apply to rules adopted by
9 the Board under this Section.

10 (415 ILCS 5/9.15 new)

11 Sec. 9.15. Greenhouse gases.

12 (a) An air pollution construction permit shall not be
13 required due to emissions of greenhouse gases if the equipment,
14 site, or source is not subject to regulation, as defined by 40
15 CFR 52.21, as now or hereafter amended, for greenhouse gases.
16 This exemption does not relieve an owner or operator from the
17 obligation to comply with other applicable rules or
18 regulations.

19 (b) An air pollution operating permit shall not be required
20 due to emissions of greenhouse gases if the equipment, site, or
21 source is not subject to regulation, as defined by Section 39.5
22 of this Act, for greenhouse gases. This exemption does not
23 relieve an owner or operator from the obligation to comply with
24 other applicable rules or regulations.

25 (c) Notwithstanding any provision to the contrary in this

1 Section, an air pollution construction or operating permit
2 shall not be required due to emissions of greenhouse gases if
3 any of the following events occur:

4 (1) enactment of federal legislation depriving the
5 Administrator of the USEPA of authority to regulate
6 greenhouse gases under the Clean Air Act;

7 (2) the issuance of any opinion, ruling, judgment,
8 order, or decree by a federal court depriving the
9 Administrator of the USEPA of authority to regulate
10 greenhouse gases under the Clean Air Act; or

11 (3) action by the President of the United States or the
12 President's authorized agent, including the Administrator
13 of the USEPA, to repeal or withdraw the Greenhouse Gas
14 Tailoring Rule (75 Fed. Reg. 31514, June 3, 2010).

15 This subsection (c) does not relieve an owner or operator
16 from the obligation to comply with applicable rules or
17 regulations other than those relating to greenhouse gases.

18 (d) If any event listed in subsection (c) of this Section
19 occurs, permits issued after such event shall not impose permit
20 terms or conditions addressing greenhouse gases during the
21 effectiveness of any event listed in subsection (c).

22 (e) If an event listed in subsection (c) of this Section
23 occurs, any owner or operator with a permit that includes terms
24 or conditions addressing greenhouse gases may elect to submit
25 an application to the Agency to address a revision or repeal of
26 such terms or conditions. The Agency shall expeditiously

1 process such permit application in accordance with applicable
2 laws and regulations.

3 (415 ILCS 5/39) (from Ch. 111 1/2, par. 1039)

4 Sec. 39. Issuance of permits; procedures.

5 (a) When the Board has by regulation required a permit for
6 the construction, installation, or operation of any type of
7 facility, equipment, vehicle, vessel, or aircraft, the
8 applicant shall apply to the Agency for such permit and it
9 shall be the duty of the Agency to issue such a permit upon
10 proof by the applicant that the facility, equipment, vehicle,
11 vessel, or aircraft will not cause a violation of this Act or
12 of regulations hereunder. The Agency shall adopt such
13 procedures as are necessary to carry out its duties under this
14 Section. In making its determinations on permit applications
15 under this Section the Agency may consider prior adjudications
16 of noncompliance with this Act by the applicant that involved a
17 release of a contaminant into the environment. In granting
18 permits, the Agency may impose reasonable conditions
19 specifically related to the applicant's past compliance
20 history with this Act as necessary to correct, detect, or
21 prevent noncompliance. The Agency may impose such other
22 conditions as may be necessary to accomplish the purposes of
23 this Act, and as are not inconsistent with the regulations
24 promulgated by the Board hereunder. Except as otherwise
25 provided in this Act, a bond or other security shall not be

1 required as a condition for the issuance of a permit. If the
2 Agency denies any permit under this Section, the Agency shall
3 transmit to the applicant within the time limitations of this
4 Section specific, detailed statements as to the reasons the
5 permit application was denied. Such statements shall include,
6 but not be limited to the following:

7 (i) the Sections of this Act which may be violated if
8 the permit were granted;

9 (ii) the provision of the regulations, promulgated
10 under this Act, which may be violated if the permit were
11 granted;

12 (iii) the specific type of information, if any, which
13 the Agency deems the applicant did not provide the Agency;
14 and

15 (iv) a statement of specific reasons why the Act and
16 the regulations might not be met if the permit were
17 granted.

18 If there is no final action by the Agency within 90 days
19 after the filing of the application for permit, the applicant
20 may deem the permit issued; except that this time period shall
21 be extended to 180 days when (1) notice and opportunity for
22 public hearing are required by State or federal law or
23 regulation, (2) the application which was filed is for any
24 permit to develop a landfill subject to issuance pursuant to
25 this subsection, or (3) the application that was filed is for a
26 MSWLF unit required to issue public notice under subsection (p)

1 of Section 39. The 90-day and 180-day time periods for the
2 Agency to take final action do not apply to NPDES permit
3 applications under subsection (b) of this Section, to RCRA
4 permit applications under subsection (d) of this Section, or to
5 UIC permit applications under subsection (e) of this Section.

6 The Agency shall publish notice of all final permit
7 determinations for development permits for MSWLF units and for
8 significant permit modifications for lateral expansions for
9 existing MSWLF units one time in a newspaper of general
10 circulation in the county in which the unit is or is proposed
11 to be located.

12 After January 1, 1994 and until July 1, 1998, operating
13 permits issued under this Section by the Agency for sources of
14 air pollution permitted to emit less than 25 tons per year of
15 any combination of regulated air pollutants, as defined in
16 Section 39.5 of this Act, shall be required to be renewed only
17 upon written request by the Agency consistent with applicable
18 provisions of this Act and regulations promulgated hereunder.
19 Such operating permits shall expire 180 days after the date of
20 such a request. The Board shall revise its regulations for the
21 existing State air pollution operating permit program
22 consistent with this provision by January 1, 1994.

23 After June 30, 1998, operating permits issued under this
24 Section by the Agency for sources of air pollution that are not
25 subject to Section 39.5 of this Act and are not required to
26 have a federally enforceable State operating permit shall be

1 required to be renewed only upon written request by the Agency
2 consistent with applicable provisions of this Act and its
3 rules. Such operating permits shall expire 180 days after the
4 date of such a request. Before July 1, 1998, the Board shall
5 revise its rules for the existing State air pollution operating
6 permit program consistent with this paragraph and shall adopt
7 rules that require a source to demonstrate that it qualifies
8 for a permit under this paragraph.

9 (b) The Agency may issue NPDES permits exclusively under
10 this subsection for the discharge of contaminants from point
11 sources into navigable waters, all as defined in the Federal
12 Water Pollution Control Act, as now or hereafter amended,
13 within the jurisdiction of the State, or into any well.

14 All NPDES permits shall contain those terms and conditions,
15 including but not limited to schedules of compliance, which may
16 be required to accomplish the purposes and provisions of this
17 Act.

18 The Agency may issue general NPDES permits for discharges
19 from categories of point sources which are subject to the same
20 permit limitations and conditions. Such general permits may be
21 issued without individual applications and shall conform to
22 regulations promulgated under Section 402 of the Federal Water
23 Pollution Control Act, as now or hereafter amended.

24 The Agency may include, among such conditions, effluent
25 limitations and other requirements established under this Act,
26 Board regulations, the Federal Water Pollution Control Act, as

1 now or hereafter amended, and regulations pursuant thereto, and
2 schedules for achieving compliance therewith at the earliest
3 reasonable date.

4 The Agency shall adopt filing requirements and procedures
5 which are necessary and appropriate for the issuance of NPDES
6 permits, and which are consistent with the Act or regulations
7 adopted by the Board, and with the Federal Water Pollution
8 Control Act, as now or hereafter amended, and regulations
9 pursuant thereto.

10 The Agency, subject to any conditions which may be
11 prescribed by Board regulations, may issue NPDES permits to
12 allow discharges beyond deadlines established by this Act or by
13 regulations of the Board without the requirement of a variance,
14 subject to the Federal Water Pollution Control Act, as now or
15 hereafter amended, and regulations pursuant thereto.

16 (c) Except for those facilities owned or operated by
17 sanitary districts organized under the Metropolitan Water
18 Reclamation District Act, no permit for the development or
19 construction of a new pollution control facility may be granted
20 by the Agency unless the applicant submits proof to the Agency
21 that the location of the facility has been approved by the
22 County Board of the county if in an unincorporated area, or the
23 governing body of the municipality when in an incorporated
24 area, in which the facility is to be located in accordance with
25 Section 39.2 of this Act. For purposes of this subsection (c),
26 and for purposes of Section 39.2 of this Act, the appropriate

1 county board or governing body of the municipality shall be the
2 county board of the county or the governing body of the
3 municipality in which the facility is to be located as of the
4 date when the application for siting approval is filed.

5 In the event that siting approval granted pursuant to
6 Section 39.2 has been transferred to a subsequent owner or
7 operator, that subsequent owner or operator may apply to the
8 Agency for, and the Agency may grant, a development or
9 construction permit for the facility for which local siting
10 approval was granted. Upon application to the Agency for a
11 development or construction permit by that subsequent owner or
12 operator, the permit applicant shall cause written notice of
13 the permit application to be served upon the appropriate county
14 board or governing body of the municipality that granted siting
15 approval for that facility and upon any party to the siting
16 proceeding pursuant to which siting approval was granted. In
17 that event, the Agency shall conduct an evaluation of the
18 subsequent owner or operator's prior experience in waste
19 management operations in the manner conducted under subsection
20 (i) of Section 39 of this Act.

21 Beginning August 20, 1993, if the pollution control
22 facility consists of a hazardous or solid waste disposal
23 facility for which the proposed site is located in an
24 unincorporated area of a county with a population of less than
25 100,000 and includes all or a portion of a parcel of land that
26 was, on April 1, 1993, adjacent to a municipality having a

1 population of less than 5,000, then the local siting review
2 required under this subsection (c) in conjunction with any
3 permit applied for after that date shall be performed by the
4 governing body of that adjacent municipality rather than the
5 county board of the county in which the proposed site is
6 located; and for the purposes of that local siting review, any
7 references in this Act to the county board shall be deemed to
8 mean the governing body of that adjacent municipality;
9 provided, however, that the provisions of this paragraph shall
10 not apply to any proposed site which was, on April 1, 1993,
11 owned in whole or in part by another municipality.

12 In the case of a pollution control facility for which a
13 development permit was issued before November 12, 1981, if an
14 operating permit has not been issued by the Agency prior to
15 August 31, 1989 for any portion of the facility, then the
16 Agency may not issue or renew any development permit nor issue
17 an original operating permit for any portion of such facility
18 unless the applicant has submitted proof to the Agency that the
19 location of the facility has been approved by the appropriate
20 county board or municipal governing body pursuant to Section
21 39.2 of this Act.

22 After January 1, 1994, if a solid waste disposal facility,
23 any portion for which an operating permit has been issued by
24 the Agency, has not accepted waste disposal for 5 or more
25 consecutive calendar years, before that facility may accept
26 any new or additional waste for disposal, the owner and

1 operator must obtain a new operating permit under this Act for
2 that facility unless the owner and operator have applied to the
3 Agency for a permit authorizing the temporary suspension of
4 waste acceptance. The Agency may not issue a new operation
5 permit under this Act for the facility unless the applicant has
6 submitted proof to the Agency that the location of the facility
7 has been approved or re-approved by the appropriate county
8 board or municipal governing body under Section 39.2 of this
9 Act after the facility ceased accepting waste.

10 Except for those facilities owned or operated by sanitary
11 districts organized under the Metropolitan Water Reclamation
12 District Act, and except for new pollution control facilities
13 governed by Section 39.2, and except for fossil fuel mining
14 facilities, the granting of a permit under this Act shall not
15 relieve the applicant from meeting and securing all necessary
16 zoning approvals from the unit of government having zoning
17 jurisdiction over the proposed facility.

18 Before beginning construction on any new sewage treatment
19 plant or sludge drying site to be owned or operated by a
20 sanitary district organized under the Metropolitan Water
21 Reclamation District Act for which a new permit (rather than
22 the renewal or amendment of an existing permit) is required,
23 such sanitary district shall hold a public hearing within the
24 municipality within which the proposed facility is to be
25 located, or within the nearest community if the proposed
26 facility is to be located within an unincorporated area, at

1 which information concerning the proposed facility shall be
2 made available to the public, and members of the public shall
3 be given the opportunity to express their views concerning the
4 proposed facility.

5 The Agency may issue a permit for a municipal waste
6 transfer station without requiring approval pursuant to
7 Section 39.2 provided that the following demonstration is made:

8 (1) the municipal waste transfer station was in
9 existence on or before January 1, 1979 and was in
10 continuous operation from January 1, 1979 to January 1,
11 1993;

12 (2) the operator submitted a permit application to the
13 Agency to develop and operate the municipal waste transfer
14 station during April of 1994;

15 (3) the operator can demonstrate that the county board
16 of the county, if the municipal waste transfer station is
17 in an unincorporated area, or the governing body of the
18 municipality, if the station is in an incorporated area,
19 does not object to resumption of the operation of the
20 station; and

21 (4) the site has local zoning approval.

22 (d) The Agency may issue RCRA permits exclusively under
23 this subsection to persons owning or operating a facility for
24 the treatment, storage, or disposal of hazardous waste as
25 defined under this Act.

26 All RCRA permits shall contain those terms and conditions,

1 including but not limited to schedules of compliance, which may
2 be required to accomplish the purposes and provisions of this
3 Act. The Agency may include among such conditions standards and
4 other requirements established under this Act, Board
5 regulations, the Resource Conservation and Recovery Act of 1976
6 (P.L. 94-580), as amended, and regulations pursuant thereto,
7 and may include schedules for achieving compliance therewith as
8 soon as possible. The Agency shall require that a performance
9 bond or other security be provided as a condition for the
10 issuance of a RCRA permit.

11 In the case of a permit to operate a hazardous waste or PCB
12 incinerator as defined in subsection (k) of Section 44, the
13 Agency shall require, as a condition of the permit, that the
14 operator of the facility perform such analyses of the waste to
15 be incinerated as may be necessary and appropriate to ensure
16 the safe operation of the incinerator.

17 The Agency shall adopt filing requirements and procedures
18 which are necessary and appropriate for the issuance of RCRA
19 permits, and which are consistent with the Act or regulations
20 adopted by the Board, and with the Resource Conservation and
21 Recovery Act of 1976 (P.L. 94-580), as amended, and regulations
22 pursuant thereto.

23 The applicant shall make available to the public for
24 inspection all documents submitted by the applicant to the
25 Agency in furtherance of an application, with the exception of
26 trade secrets, at the office of the county board or governing

1 body of the municipality. Such documents may be copied upon
2 payment of the actual cost of reproduction during regular
3 business hours of the local office. The Agency shall issue a
4 written statement concurrent with its grant or denial of the
5 permit explaining the basis for its decision.

6 (e) The Agency may issue UIC permits exclusively under this
7 subsection to persons owning or operating a facility for the
8 underground injection of contaminants as defined under this
9 Act.

10 All UIC permits shall contain those terms and conditions,
11 including but not limited to schedules of compliance, which may
12 be required to accomplish the purposes and provisions of this
13 Act. The Agency may include among such conditions standards and
14 other requirements established under this Act, Board
15 regulations, the Safe Drinking Water Act (P.L. 93-523), as
16 amended, and regulations pursuant thereto, and may include
17 schedules for achieving compliance therewith. The Agency shall
18 require that a performance bond or other security be provided
19 as a condition for the issuance of a UIC permit.

20 The Agency shall adopt filing requirements and procedures
21 which are necessary and appropriate for the issuance of UIC
22 permits, and which are consistent with the Act or regulations
23 adopted by the Board, and with the Safe Drinking Water Act
24 (P.L. 93-523), as amended, and regulations pursuant thereto.

25 The applicant shall make available to the public for
26 inspection, all documents submitted by the applicant to the

1 Agency in furtherance of an application, with the exception of
2 trade secrets, at the office of the county board or governing
3 body of the municipality. Such documents may be copied upon
4 payment of the actual cost of reproduction during regular
5 business hours of the local office. The Agency shall issue a
6 written statement concurrent with its grant or denial of the
7 permit explaining the basis for its decision.

8 (f) In making any determination pursuant to Section 9.1 of
9 this Act:

10 (1) The Agency shall have authority to make the
11 determination of any question required to be determined by
12 the Clean Air Act, as now or hereafter amended, this Act,
13 or the regulations of the Board, including the
14 determination of the Lowest Achievable Emission Rate,
15 Maximum Achievable Control Technology, or Best Available
16 Control Technology, consistent with the Board's
17 regulations, if any.

18 (2) The Agency shall, after conferring with the
19 applicant, give written notice to the applicant of its
20 proposed decision on the application including the terms
21 and conditions of the permit to be issued and the facts,
22 conduct or other basis upon which the Agency will rely to
23 support its proposed action.

24 (3) Following such notice, the Agency shall give the
25 applicant an opportunity for a hearing in accordance with
26 the provisions of Sections 10-25 through 10-60 of the

1 Illinois Administrative Procedure Act.

2 (g) The Agency shall include as conditions upon all permits
3 issued for hazardous waste disposal sites such restrictions
4 upon the future use of such sites as are reasonably necessary
5 to protect public health and the environment, including
6 permanent prohibition of the use of such sites for purposes
7 which may create an unreasonable risk of injury to human health
8 or to the environment. After administrative and judicial
9 challenges to such restrictions have been exhausted, the Agency
10 shall file such restrictions of record in the Office of the
11 Recorder of the county in which the hazardous waste disposal
12 site is located.

13 (h) A hazardous waste stream may not be deposited in a
14 permitted hazardous waste site unless specific authorization
15 is obtained from the Agency by the generator and disposal site
16 owner and operator for the deposit of that specific hazardous
17 waste stream. The Agency may grant specific authorization for
18 disposal of hazardous waste streams only after the generator
19 has reasonably demonstrated that, considering technological
20 feasibility and economic reasonableness, the hazardous waste
21 cannot be reasonably recycled for reuse, nor incinerated or
22 chemically, physically or biologically treated so as to
23 neutralize the hazardous waste and render it nonhazardous. In
24 granting authorization under this Section, the Agency may
25 impose such conditions as may be necessary to accomplish the
26 purposes of the Act and are consistent with this Act and

1 regulations promulgated by the Board hereunder. If the Agency
2 refuses to grant authorization under this Section, the
3 applicant may appeal as if the Agency refused to grant a
4 permit, pursuant to the provisions of subsection (a) of Section
5 40 of this Act. For purposes of this subsection (h), the term
6 "generator" has the meaning given in Section 3.205 of this Act,
7 unless: (1) the hazardous waste is treated, incinerated, or
8 partially recycled for reuse prior to disposal, in which case
9 the last person who treats, incinerates, or partially recycles
10 the hazardous waste prior to disposal is the generator; or (2)
11 the hazardous waste is from a response action, in which case
12 the person performing the response action is the generator.
13 This subsection (h) does not apply to any hazardous waste that
14 is restricted from land disposal under 35 Ill. Adm. Code 728.

15 (i) Before issuing any RCRA permit, any permit for a waste
16 storage site, sanitary landfill, waste disposal site, waste
17 transfer station, waste treatment facility, waste incinerator,
18 or any waste-transportation operation, or any permit or interim
19 authorization for a clean construction or demolition debris
20 fill operation, the Agency shall conduct an evaluation of the
21 prospective owner's or operator's prior experience in waste
22 management operations and clean construction or demolition
23 debris fill operations. The Agency may deny such a permit, or
24 deny or revoke interim authorization, if the prospective owner
25 or operator or any employee or officer of the prospective owner
26 or operator has a history of:

1 (1) repeated violations of federal, State, or local
2 laws, regulations, standards, or ordinances in the
3 operation of waste management facilities or sites or clean
4 construction or demolition debris fill operation
5 facilities or sites; or

6 (2) conviction in this or another State of any crime
7 which is a felony under the laws of this State, or
8 conviction of a felony in a federal court; or conviction in
9 this or another state or federal court of any of the
10 following crimes: forgery, official misconduct, bribery,
11 perjury, or knowingly submitting false information under
12 any environmental law, regulation, or permit term or
13 condition; or

14 (3) proof of gross carelessness or incompetence in
15 handling, storing, processing, transporting or disposing
16 of waste or clean construction or demolition debris, or
17 proof of gross carelessness or incompetence in using clean
18 construction or demolition debris as fill.

19 (i-5) Before issuing any permit or approving any interim
20 authorization for a clean construction or demolition debris
21 fill operation in which any ownership interest is transferred
22 between January 1, 2005, and the effective date of the
23 prohibition set forth in Section 22.52 of this Act, the Agency
24 shall conduct an evaluation of the operation if any previous
25 activities at the site or facility may have caused or allowed
26 contamination of the site. It shall be the responsibility of

1 the owner or operator seeking the permit or interim
2 authorization to provide to the Agency all of the information
3 necessary for the Agency to conduct its evaluation. The Agency
4 may deny a permit or interim authorization if previous
5 activities at the site may have caused or allowed contamination
6 at the site, unless such contamination is authorized under any
7 permit issued by the Agency.

8 (j) The issuance under this Act of a permit to engage in
9 the surface mining of any resources other than fossil fuels
10 shall not relieve the permittee from its duty to comply with
11 any applicable local law regulating the commencement, location
12 or operation of surface mining facilities.

13 (k) A development permit issued under subsection (a) of
14 Section 39 for any facility or site which is required to have a
15 permit under subsection (d) of Section 21 shall expire at the
16 end of 2 calendar years from the date upon which it was issued,
17 unless within that period the applicant has taken action to
18 develop the facility or the site. In the event that review of
19 the conditions of the development permit is sought pursuant to
20 Section 40 or 41, or permittee is prevented from commencing
21 development of the facility or site by any other litigation
22 beyond the permittee's control, such two-year period shall be
23 deemed to begin on the date upon which such review process or
24 litigation is concluded.

25 (l) No permit shall be issued by the Agency under this Act
26 for construction or operation of any facility or site located

1 within the boundaries of any setback zone established pursuant
2 to this Act, where such construction or operation is
3 prohibited.

4 (m) The Agency may issue permits to persons owning or
5 operating a facility for composting landscape waste. In
6 granting such permits, the Agency may impose such conditions as
7 may be necessary to accomplish the purposes of this Act, and as
8 are not inconsistent with applicable regulations promulgated
9 by the Board. Except as otherwise provided in this Act, a bond
10 or other security shall not be required as a condition for the
11 issuance of a permit. If the Agency denies any permit pursuant
12 to this subsection, the Agency shall transmit to the applicant
13 within the time limitations of this subsection specific,
14 detailed statements as to the reasons the permit application
15 was denied. Such statements shall include but not be limited to
16 the following:

17 (1) the Sections of this Act that may be violated if
18 the permit were granted;

19 (2) the specific regulations promulgated pursuant to
20 this Act that may be violated if the permit were granted;

21 (3) the specific information, if any, the Agency deems
22 the applicant did not provide in its application to the
23 Agency; and

24 (4) a statement of specific reasons why the Act and the
25 regulations might be violated if the permit were granted.

26 If no final action is taken by the Agency within 90 days

1 after the filing of the application for permit, the applicant
2 may deem the permit issued. Any applicant for a permit may
3 waive the 90 day limitation by filing a written statement with
4 the Agency.

5 The Agency shall issue permits for such facilities upon
6 receipt of an application that includes a legal description of
7 the site, a topographic map of the site drawn to the scale of
8 200 feet to the inch or larger, a description of the operation,
9 including the area served, an estimate of the volume of
10 materials to be processed, and documentation that:

11 (1) the facility includes a setback of at least 200
12 feet from the nearest potable water supply well;

13 (2) the facility is located outside the boundary of the
14 10-year floodplain or the site will be floodproofed;

15 (3) the facility is located so as to minimize
16 incompatibility with the character of the surrounding
17 area, including at least a 200 foot setback from any
18 residence, and in the case of a facility that is developed
19 or the permitted composting area of which is expanded after
20 November 17, 1991, the composting area is located at least
21 1/8 mile from the nearest residence (other than a residence
22 located on the same property as the facility);

23 (4) the design of the facility will prevent any compost
24 material from being placed within 5 feet of the water
25 table, will adequately control runoff from the site, and
26 will collect and manage any leachate that is generated on

1 the site;

2 (5) the operation of the facility will include
3 appropriate dust and odor control measures, limitations on
4 operating hours, appropriate noise control measures for
5 shredding, chipping and similar equipment, management
6 procedures for composting, containment and disposal of
7 non-compostable wastes, procedures to be used for
8 terminating operations at the site, and recordkeeping
9 sufficient to document the amount of materials received,
10 composted and otherwise disposed of; and

11 (6) the operation will be conducted in accordance with
12 any applicable rules adopted by the Board.

13 The Agency shall issue renewable permits of not longer than
14 10 years in duration for the composting of landscape wastes, as
15 defined in Section 3.155 of this Act, based on the above
16 requirements.

17 The operator of any facility permitted under this
18 subsection (m) must submit a written annual statement to the
19 Agency on or before April 1 of each year that includes an
20 estimate of the amount of material, in tons, received for
21 composting.

22 (n) The Agency shall issue permits jointly with the
23 Department of Transportation for the dredging or deposit of
24 material in Lake Michigan in accordance with Section 18 of the
25 Rivers, Lakes, and Streams Act.

26 (o) (Blank.)

1 (p) (1) Any person submitting an application for a permit
2 for a new MSWLF unit or for a lateral expansion under
3 subsection (t) of Section 21 of this Act for an existing MSWLF
4 unit that has not received and is not subject to local siting
5 approval under Section 39.2 of this Act shall publish notice of
6 the application in a newspaper of general circulation in the
7 county in which the MSWLF unit is or is proposed to be located.
8 The notice must be published at least 15 days before submission
9 of the permit application to the Agency. The notice shall state
10 the name and address of the applicant, the location of the
11 MSWLF unit or proposed MSWLF unit, the nature and size of the
12 MSWLF unit or proposed MSWLF unit, the nature of the activity
13 proposed, the probable life of the proposed activity, the date
14 the permit application will be submitted, and a statement that
15 persons may file written comments with the Agency concerning
16 the permit application within 30 days after the filing of the
17 permit application unless the time period to submit comments is
18 extended by the Agency.

19 When a permit applicant submits information to the Agency
20 to supplement a permit application being reviewed by the
21 Agency, the applicant shall not be required to reissue the
22 notice under this subsection.

23 (2) The Agency shall accept written comments concerning the
24 permit application that are postmarked no later than 30 days
25 after the filing of the permit application, unless the time
26 period to accept comments is extended by the Agency.

1 (3) Each applicant for a permit described in part (1) of
2 this subsection shall file a copy of the permit application
3 with the county board or governing body of the municipality in
4 which the MSWLF unit is or is proposed to be located at the
5 same time the application is submitted to the Agency. The
6 permit application filed with the county board or governing
7 body of the municipality shall include all documents submitted
8 to or to be submitted to the Agency, except trade secrets as
9 determined under Section 7.1 of this Act. The permit
10 application and other documents on file with the county board
11 or governing body of the municipality shall be made available
12 for public inspection during regular business hours at the
13 office of the county board or the governing body of the
14 municipality and may be copied upon payment of the actual cost
15 of reproduction.

16 (g) Within 6 months after the effective date of this
17 amendatory Act of the 97th General Assembly, the Agency, in
18 consultation with the regulated community, shall develop a web
19 portal to be posted on its website for the purpose of enhancing
20 review and promoting timely issuance of permits required by
21 this Act. At a minimum, the Agency shall make the following
22 information available on the web portal:

23 (1) Checklists and guidance relating to the completion
24 of permit applications, developed pursuant to subsection
25 (s) of this Section, which may include, but are not limited
26 to, existing instructions for completing the applications

1 and examples of complete applications. As the Agency
2 develops new checklists and develops guidance, it shall
3 supplement the web portal with those materials.

4 (2) Within 2 years after the effective date of this
5 amendatory Act of the 97th General Assembly, permit
6 application forms or portions of permit applications that
7 can be completed and saved electronically, and submitted to
8 the Agency electronically with digital signatures.

9 (3) Within 2 years after the effective date of this
10 amendatory Act of the 97th General Assembly, an online
11 tracking system where an applicant may review the status of
12 its pending application, including the name and contact
13 information of the permit analyst assigned to the
14 application. Until the online tracking system has been
15 developed, the Agency shall post on its website semi-annual
16 permitting efficiency tracking reports that include
17 statistics on the timeframes for Agency action on the
18 following types of permits received after the effective
19 date of this amendatory Act of the 97th General Assembly:
20 air construction permits, new NPDES permits and associated
21 water construction permits, and modifications of major
22 NPDES permits and associated water construction permits.
23 The reports must be posted by February 1 and August 1 each
24 year and shall include:

25 (A) the number of applications received for each
26 type of permit, the number of applications on which the

1 Agency has taken action, and the number of applications
2 still pending; and

3 (B) for those applications where the Agency has not
4 taken action in accordance with the timeframes set
5 forth in this Act, the date the application was
6 received and the reasons for any delays, which may
7 include, but shall not be limited to, (i) the
8 application being inadequate or incomplete, (ii)
9 scientific or technical disagreements with the
10 applicant, USEPA, or other local, state, or federal
11 agencies involved in the permitting approval process,
12 (iii) public opposition to the permit, or (iv) Agency
13 staffing shortages. To the extent practicable, the
14 tracking report shall provide approximate dates when
15 cause for delay was identified by the Agency, when the
16 Agency informed the applicant of the problem leading to
17 the delay, and when the applicant remedied the reason
18 for the delay.

19 (r) Upon the request of the applicant, the Agency shall
20 notify the applicant of the permit analyst assigned to the
21 application upon its receipt.

22 (s) The Agency is authorized to prepare and distribute
23 guidance documents relating to its administration of this
24 Section and procedural rules implementing this Section.
25 Guidance documents prepared under this subsection shall not be
26 considered rules and shall not be subject to the Illinois

1 Administrative Procedure Act. Such guidance shall not be
2 binding on any party.

3 (t) Except as otherwise prohibited by federal law or
4 regulation, any person submitting an application for a permit
5 may include with the application suggested permit language for
6 Agency consideration. The Agency is not obligated to use the
7 suggested language or any portion thereof in its permitting
8 decision. If requested by the permit applicant, the Agency
9 shall meet with the applicant to discuss the suggested
10 language.

11 (u) If requested by the permit applicant, the Agency shall
12 provide the permit applicant with a copy of the draft permit
13 prior to any public review period.

14 (v) If requested by the permit applicant, the Agency shall
15 provide the permit applicant with a copy of the final permit
16 prior to its issuance.

17 (w) An air pollution permit shall not be required due to
18 emissions of greenhouse gases, as specified by Section 9.15 of
19 this Act.

20 (Source: P.A. 94-272, eff. 7-19-05; 94-725, eff. 6-1-06;
21 95-288, eff. 8-20-07.)

22 (415 ILCS 5/39.5) (from Ch. 111 1/2, par. 1039.5)

23 Sec. 39.5. Clean Air Act Permit Program.

24 1. Definitions.

25 For purposes of this Section:

1 "Administrative permit amendment" means a permit revision
2 subject to subsection 13 of this Section.

3 "Affected source for acid deposition" means a source that
4 includes one or more affected units under Title IV of the Clean
5 Air Act.

6 "Affected States" for purposes of formal distribution of a
7 draft CAAPP permit to other States for comments prior to
8 issuance, means all States:

9 (1) Whose air quality may be affected by the source
10 covered by the draft permit and that are contiguous to
11 Illinois; or

12 (2) That are within 50 miles of the source.

13 "Affected unit for acid deposition" shall have the meaning
14 given to the term "affected unit" in the regulations
15 promulgated under Title IV of the Clean Air Act.

16 "Applicable Clean Air Act requirement" means all of the
17 following as they apply to emissions units in a source
18 (including regulations that have been promulgated or approved
19 by USEPA pursuant to the Clean Air Act which directly impose
20 requirements upon a source and other such federal requirements
21 which have been adopted by the Board. These may include
22 requirements and regulations which have future effective
23 compliance dates. Requirements and regulations will be exempt
24 if USEPA determines that such requirements need not be
25 contained in a Title V permit):

26 (1) Any standard or other requirement provided for in

1 the applicable state implementation plan approved or
2 promulgated by USEPA under Title I of the Clean Air Act
3 that implements ~~implement~~ the relevant requirements of the
4 Clean Air Act, including any revisions to the state
5 Implementation Plan promulgated in 40 CFR Part 52, Subparts
6 A and O and other subparts applicable to Illinois. For
7 purposes of this paragraph ~~subsection~~ (1) of this
8 definition, "any standard or other requirement" means
9 ~~shall mean~~ only such standards or requirements directly
10 enforceable against an individual source under the Clean
11 Air Act.

12 (2)(i) Any term or condition of any preconstruction
13 permits issued pursuant to regulations approved or
14 promulgated by USEPA under Title I of the Clean Air
15 Act, including Part C or D of the Clean Air Act.

16 (ii) Any term or condition as required pursuant to
17 Section 39.5 of any federally enforceable State
18 operating permit issued pursuant to regulations
19 approved or promulgated by USEPA under Title I of the
20 Clean Air Act, including Part C or D of the Clean Air
21 Act.

22 (3) Any standard or other requirement under Section 111
23 of the Clean Air Act, including Section 111(d).

24 (4) Any standard or other requirement under Section 112
25 of the Clean Air Act, including any requirement concerning
26 accident prevention under Section 112(r)(7) of the Clean

1 Air Act.

2 (5) Any standard or other requirement of the acid rain
3 program under Title IV of the Clean Air Act or the
4 regulations promulgated thereunder.

5 (6) Any requirements established pursuant to Section
6 504(b) or Section 114(a) (3) of the Clean Air Act.

7 (7) Any standard or other requirement governing solid
8 waste incineration, under Section 129 of the Clean Air Act.

9 (8) Any standard or other requirement for consumer and
10 commercial products, under Section 183(e) of the Clean Air
11 Act.

12 (9) Any standard or other requirement for tank vessels,
13 under Section 183(f) of the Clean Air Act.

14 (10) Any standard or other requirement of the program
15 to control air pollution from Outer Continental Shelf
16 sources, under Section 328 of the Clean Air Act.

17 (11) Any standard or other requirement of the
18 regulations promulgated to protect stratospheric ozone
19 under Title VI of the Clean Air Act, unless USEPA has
20 determined that such requirements need not be contained in
21 a Title V permit.

22 (12) Any national ambient air quality standard or
23 increment or visibility requirement under Part C of Title I
24 of the Clean Air Act, but only as it would apply to
25 temporary sources permitted pursuant to Section 504(e) of
26 the Clean Air Act.

1 "Applicable requirement" means all applicable Clean Air
2 Act requirements and any other standard, limitation, or other
3 requirement contained in this Act or regulations promulgated
4 under this Act as applicable to sources of air contaminants
5 (including requirements that have future effective compliance
6 dates).

7 "CAAPP" means the Clean Air Act Permit Program, developed
8 pursuant to Title V of the Clean Air Act.

9 "CAAPP application" means an application for a CAAPP
10 permit.

11 "CAAPP Permit" or "permit" (unless the context suggests
12 otherwise) means any permit issued, renewed, amended, modified
13 or revised pursuant to Title V of the Clean Air Act.

14 "CAAPP source" means any source for which the owner or
15 operator is required to obtain a CAAPP permit pursuant to
16 subsection 2 of this Section.

17 "Clean Air Act" means the Clean Air Act, as now and
18 hereafter amended, 42 U.S.C. 7401, et seq.

19 "Designated representative" has ~~shall have~~ the meaning
20 given to it in Section 402(26) of the Clean Air Act and the
21 regulations promulgated thereunder, which state ~~states~~ that
22 the term "designated representative" means ~~shall mean~~ a
23 responsible person or official authorized by the owner or
24 operator of a unit to represent the owner or operator in all
25 matters pertaining to the holding, transfer, or disposition of
26 allowances allocated to a unit, and the submission of and

1 compliance with permits, permit applications, and compliance
2 plans for the unit.

3 "Draft CAAPP permit" means the version of a CAAPP permit
4 for which public notice and an opportunity for public comment
5 and hearing is offered by the Agency.

6 "Effective date of the CAAPP" means the date that USEPA
7 approves Illinois' CAAPP.

8 "Emission unit" means any part or activity of a stationary
9 source that emits or has the potential to emit any air
10 pollutant. This term is not meant to alter or affect the
11 definition of the term "unit" for purposes of Title IV of the
12 Clean Air Act.

13 "Federally enforceable" means enforceable by USEPA.

14 "Final permit action" means the Agency's granting with
15 conditions, refusal to grant, renewal of, or revision of a
16 CAAPP permit, the Agency's determination of incompleteness of a
17 submitted CAAPP application, or the Agency's failure to act on
18 an application for a permit, permit renewal, or permit revision
19 within the time specified in ~~paragraph 5(j),~~ subsection 13, ~~or~~
20 subsection 14, or paragraph (j) of subsection 5 of this
21 Section.

22 "General permit" means a permit issued to cover numerous
23 similar sources in accordance with subsection 11 of this
24 Section.

25 "Major source" means a source for which emissions of one or
26 more air pollutants meet the criteria for major status pursuant

1 to paragraph 2(c) of subsection 2 of this Section.

2 "Maximum achievable control technology" or "MACT" means
3 the maximum degree of reductions in emissions deemed achievable
4 under Section 112 of the Clean Air Act.

5 "Owner or operator" means any person who owns, leases,
6 operates, controls, or supervises a stationary source.

7 "Permit modification" means a revision to a CAAPP permit
8 that cannot be accomplished under the provisions for
9 administrative permit amendments under subsection 13 of this
10 Section.

11 "Permit revision" means a permit modification or
12 administrative permit amendment.

13 "Phase II" means the period of the national acid rain
14 program, established under Title IV of the Clean Air Act,
15 beginning January 1, 2000, and continuing thereafter.

16 "Phase II acid rain permit" means the portion of a CAAPP
17 permit issued, renewed, modified, or revised by the Agency
18 during Phase II for an affected source for acid deposition.

19 "Potential to emit" means the maximum capacity of a
20 stationary source to emit any air pollutant under its physical
21 and operational design. Any physical or operational limitation
22 on the capacity of a source to emit an air pollutant, including
23 air pollution control equipment and restrictions on hours of
24 operation or on the type or amount of material combusted,
25 stored, or processed, shall be treated as part of its design if
26 the limitation is enforceable by USEPA. This definition does

1 not alter or affect the use of this term for any other purposes
2 under the Clean Air Act, or the term "capacity factor" as used
3 in Title IV of the Clean Air Act or the regulations promulgated
4 thereunder.

5 "Preconstruction Permit" or "Construction Permit" means a
6 permit which is to be obtained prior to commencing or beginning
7 actual construction or modification of a source or emissions
8 unit.

9 "Proposed CAAPP permit" means the version of a CAAPP permit
10 that the Agency proposes to issue and forwards to USEPA for
11 review in compliance with applicable requirements of the Act
12 and regulations promulgated thereunder.

13 "Regulated air pollutant" means the following:

14 (1) Nitrogen oxides (NO_x) or any volatile organic
15 compound.

16 (2) Any pollutant for which a national ambient air
17 quality standard has been promulgated.

18 (3) Any pollutant that is subject to any standard
19 promulgated under Section 111 of the Clean Air Act.

20 (4) Any Class I or II substance subject to a standard
21 promulgated under or established by Title VI of the Clean
22 Air Act.

23 (5) Any pollutant subject to a standard promulgated
24 under Section 112 or other requirements established under
25 Section 112 of the Clean Air Act, including Sections
26 112(g), (j) and (r).

1 (i) Any pollutant subject to requirements under
2 Section 112(j) of the Clean Air Act. Any pollutant
3 listed under Section 112(b) for which the subject
4 source would be major shall be considered to be
5 regulated 18 months after the date on which USEPA was
6 required to promulgate an applicable standard pursuant
7 to Section 112(e) of the Clean Air Act, if USEPA fails
8 to promulgate such standard.

9 (ii) Any pollutant for which the requirements of
10 Section 112(g) (2) of the Clean Air Act have been met,
11 but only with respect to the individual source subject
12 to Section 112(g) (2) requirement.

13 (6) Greenhouse gases.

14 "Renewal" means the process by which a permit is reissued
15 at the end of its term.

16 "Responsible official" means one of the following:

17 (1) For a corporation: a president, secretary,
18 treasurer, or vice-president of the corporation in charge
19 of a principal business function, or any other person who
20 performs similar policy or decision-making functions for
21 the corporation, or a duly authorized representative of
22 such person if the representative is responsible for the
23 overall operation of one or more manufacturing,
24 production, or operating facilities applying for or
25 subject to a permit and either (i) the facilities employ
26 more than 250 persons or have gross annual sales or

1 expenditures exceeding \$25 million (in second quarter 1980
2 dollars), or (ii) the delegation of authority to such
3 representative is approved in advance by the Agency.

4 (2) For a partnership or sole proprietorship: a general
5 partner or the proprietor, respectively, or in the case of
6 a partnership in which all of the partners are
7 corporations, a duly authorized representative of the
8 partnership if the representative is responsible for the
9 overall operation of one or more manufacturing,
10 production, or operating facilities applying for or
11 subject to a permit and either (i) the facilities employ
12 more than 250 persons or have gross annual sales or
13 expenditures exceeding \$25 million (in second quarter 1980
14 dollars), or (ii) the delegation of authority to such
15 representative is approved in advance by the Agency.

16 (3) For a municipality, State, Federal, or other public
17 agency: either a principal executive officer or ranking
18 elected official. For the purposes of this part, a
19 principal executive officer of a Federal agency includes
20 the chief executive officer having responsibility for the
21 overall operations of a principal geographic unit of the
22 agency (e.g., a Regional Administrator of USEPA).

23 (4) For affected sources for acid deposition:

24 (i) The designated representative shall be the
25 "responsible official" in so far as actions,
26 standards, requirements, or prohibitions under Title

1 IV of the Clean Air Act or the regulations promulgated
2 thereunder are concerned.

3 (ii) The designated representative may also be the
4 "responsible official" for any other purposes with
5 respect to air pollution control.

6 "Section 502(b)(10) changes" means changes that contravene
7 express permit terms. "Section 502(b)(10) changes" do not
8 include changes that would violate applicable requirements or
9 contravene federally enforceable permit terms or conditions
10 that are monitoring (including test methods), recordkeeping,
11 reporting, or compliance certification requirements.

12 "Solid waste incineration unit" means a distinct operating
13 unit of any facility which combusts any solid waste material
14 from commercial or industrial establishments or the general
15 public (including single and multiple residences, hotels, and
16 motels). The term does not include incinerators or other units
17 required to have a permit under Section 3005 of the Solid Waste
18 Disposal Act. The term also does not include (A) materials
19 recovery facilities (including primary or secondary smelters)
20 which combust waste for the primary purpose of recovering
21 metals, (B) qualifying small power production facilities, as
22 defined in Section 3(17)(C) of the Federal Power Act (16 U.S.C.
23 769(17)(C)), or qualifying cogeneration facilities, as defined
24 in Section 3(18)(B) of the Federal Power Act (16 U.S.C.
25 796(18)(B)), which burn homogeneous waste (such as units which
26 burn tires or used oil, but not including refuse-derived fuel)

1 for the production of electric energy or in the case of
2 qualifying cogeneration facilities which burn homogeneous
3 waste for the production of electric energy and steam or forms
4 of useful energy (such as heat) which are used for industrial,
5 commercial, heating or cooling purposes, or (C) air curtain
6 incinerators provided that such incinerators only burn wood
7 wastes, yard waste and clean lumber and that such air curtain
8 incinerators comply with opacity limitations to be established
9 by the USEPA by rule.

10 "Source" means any stationary source (or any group of
11 stationary sources) that is ~~are~~ located on one or more
12 contiguous or adjacent properties that are under common control
13 of the same person (or persons under common control) and that
14 belongs to a single major industrial grouping. For the purposes
15 of defining "source," a stationary source or group of
16 stationary sources shall be considered part of a single major
17 industrial grouping if all of the pollutant emitting activities
18 at such source or group of sources located on contiguous or
19 adjacent properties and under common control belong to the same
20 Major Group (i.e., all have the same two-digit code) as
21 described in the Standard Industrial Classification Manual,
22 1987, or such pollutant emitting activities at a stationary
23 source (or group of stationary sources) located on contiguous
24 or adjacent properties and under common control constitute a
25 support facility. The determination as to whether any group of
26 stationary sources is ~~are~~ located on contiguous or adjacent

1 properties, and/or is ~~are~~ under common control, and/or whether
2 the pollutant emitting activities at such group of stationary
3 sources constitute a support facility shall be made on a case
4 by case basis.

5 "Stationary source" means any building, structure,
6 facility, or installation that emits or may emit any regulated
7 air pollutant or any pollutant listed under Section 112(b) of
8 the Clean Air Act.

9 "Subject to regulation" has the meaning given to it in 40
10 CFR 70.2, as now or hereafter amended.

11 "Support facility" means any stationary source (or group of
12 stationary sources) that conveys, stores, or otherwise assists
13 to a significant extent in the production of a principal
14 product at another stationary source (or group of stationary
15 sources). A support facility shall be considered to be part of
16 the same source as the stationary source (or group of
17 stationary sources) that it supports regardless of the 2-digit
18 Standard Industrial Classification code for the support
19 facility.

20 "USEPA" means the Administrator of the United States
21 Environmental Protection Agency (USEPA) or a person designated
22 by the Administrator.

23 1.1. Exclusion From the CAAPP.

24 a. An owner or operator of a source which determines
25 that the source could be excluded from the CAAPP may seek

1 such exclusion prior to the date that the CAAPP application
2 for the source is due but in no case later than 9 months
3 after the effective date of the CAAPP through the
4 imposition of federally enforceable conditions limiting
5 the "potential to emit" of the source to a level below the
6 major source threshold for that source as described in
7 paragraph ~~2~~(c) of subsection 2 of this Section, within a
8 State operating permit issued pursuant to subsection (a) of
9 Section 39~~(a)~~ of this Act. After such date, an exclusion
10 from the CAAPP may be sought under paragraph ~~3~~(c) of
11 subsection 3 of this Section.

12 b. An owner or operator of a source seeking exclusion
13 from the CAAPP pursuant to paragraph (a) of this subsection
14 must submit a permit application consistent with the
15 existing State permit program which specifically requests
16 such exclusion through the imposition of such federally
17 enforceable conditions.

18 c. Upon such request, if the Agency determines that the
19 owner or operator of a source has met the requirements for
20 exclusion pursuant to paragraph (a) of this subsection and
21 other applicable requirements for permit issuance under
22 subsection (a) of Section 39~~(a)~~ of this Act, the Agency
23 shall issue a State operating permit for such source under
24 subsection (a) of Section 39~~(a)~~ of this Act, as amended,
25 and regulations promulgated thereunder with federally
26 enforceable conditions limiting the "potential to emit" of

1 the source to a level below the major source threshold for
2 that source as described in paragraph ~~2~~(c) of subsection 2
3 of this Section.

4 d. The Agency shall provide an owner or operator of a
5 source which may be excluded from the CAAPP pursuant to
6 this subsection with reasonable notice that the owner or
7 operator may seek such exclusion.

8 e. The Agency shall provide such sources with the
9 necessary permit application forms.

10 2. Applicability.

11 a. Sources subject to this Section shall include:

12 i. Any major source as defined in paragraph (c) of
13 this subsection.

14 ii. Any source subject to a standard or other
15 requirements promulgated under Section 111 (New Source
16 Performance Standards) or Section 112 (Hazardous Air
17 Pollutants) of the Clean Air Act, except that a source
18 is not required to obtain a permit solely because it is
19 subject to regulations or requirements under Section
20 112(r) of the Clean Air Act.

21 iii. Any affected source for acid deposition, as
22 defined in subsection 1 of this Section.

23 iv. Any other source subject to this Section under
24 the Clean Air Act or regulations promulgated
25 thereunder, or applicable Board regulations.

1 b. Sources exempted from this Section shall include:

2 i. All sources listed in paragraph (a) of this
3 subsection that ~~which~~ are not major sources, affected
4 sources for acid deposition or solid waste
5 incineration units required to obtain a permit
6 pursuant to Section 129(e) of the Clean Air Act, until
7 the source is required to obtain a CAAPP permit
8 pursuant to the Clean Air Act or regulations
9 promulgated thereunder.

10 ii. Nonmajor sources subject to a standard or other
11 requirements subsequently promulgated by USEPA under
12 Section 111 or 112 of the Clean Air Act that ~~which~~ are
13 determined by USEPA to be exempt at the time a new
14 standard is promulgated.

15 iii. All sources and source categories that would
16 be required to obtain a permit solely because they are
17 subject to Part 60, Subpart AAA - Standards of
18 Performance for New Residential Wood Heaters (40 CFR
19 Part 60).

20 iv. All sources and source categories that would be
21 required to obtain a permit solely because they are
22 subject to Part 61, Subpart M - National Emission
23 Standard for Hazardous Air Pollutants for Asbestos,
24 Section 61.145 (40 CFR Part 61).

25 v. Any other source categories exempted by USEPA
26 regulations pursuant to Section 502(a) of the Clean Air

1 Act.

2 vi. Major sources of greenhouse gas emissions
3 required to obtain a CAAPP permit under this Section if
4 any of the following occurs:

5 (A) enactment of federal legislation depriving
6 the Administrator of the USEPA of authority to
7 regulate greenhouse gases under the Clean Air Act;

8 (B) the issuance of any opinion, ruling,
9 judgment, order, or decree by a federal court
10 depriving the Administrator of the USEPA of
11 authority to regulate greenhouse gases under the
12 Clean Air Act; or

13 (C) action by the President of the United
14 States or the President's authorized agent,
15 including the Administrator of the USEPA, to
16 repeal or withdraw the Greenhouse Gas Tailoring
17 Rule (75 Fed. Reg. 31514, June 3, 2010).

18 If any event listed in this subparagraph (vi)
19 occurs, CAAPP permits issued after such event shall not
20 impose permit terms or conditions addressing
21 greenhouse gases during the effectiveness of any event
22 listed in subparagraph (vi). If any event listed in
23 this subparagraph (vi) occurs, any owner or operator
24 with a CAAPP permit that includes terms or conditions
25 addressing greenhouse gases may elect to submit an
26 application to the Agency to address a revision or

1 repeal of such terms or conditions. If any owner or
2 operator submits such an application, the Agency shall
3 expeditiously process the permit application in
4 accordance with applicable laws and regulations.
5 Nothing in this subparagraph (vi) shall relieve an
6 owner or operator of a source from the requirement to
7 obtain a CAAPP permit for its emissions of regulated
8 air pollutants other than greenhouse gases, as
9 required by this Section.

10 c. For purposes of this Section the term "major source"
11 means any source that is:

12 i. A major source under Section 112 of the Clean
13 Air Act, which is defined as:

14 A. For pollutants other than radionuclides,
15 any stationary source or group of stationary
16 sources located within a contiguous area and under
17 common control that emits or has the potential to
18 emit, in the aggregate, 10 tons per year (tpy) or
19 more of any hazardous air pollutant which has been
20 listed pursuant to Section 112(b) of the Clean Air
21 Act, 25 tpy or more of any combination of such
22 hazardous air pollutants, or such lesser quantity
23 as USEPA may establish by rule. Notwithstanding
24 the preceding sentence, emissions from any oil or
25 gas exploration or production well (with its
26 associated equipment) and emissions from any

1 pipeline compressor or pump station shall not be
2 aggregated with emissions from other similar
3 units, whether or not such units are in a
4 contiguous area or under common control, to
5 determine whether such stations are major sources.

6 B. For radionuclides, "major source" shall
7 have the meaning specified by the USEPA by rule.

8 ii. A major stationary source of air pollutants, as
9 defined in Section 302 of the Clean Air Act, that
10 directly emits or has the potential to emit, 100 tpy or
11 more of any air pollutant subject to regulation
12 (including any major source of fugitive emissions of
13 any such pollutant, as determined by rule by USEPA).
14 For purposes of this subsection, "fugitive emissions"
15 means those emissions which could not reasonably pass
16 through a stack, chimney, vent, or other
17 functionally-equivalent opening. The fugitive
18 emissions of a stationary source shall not be
19 considered in determining whether it is a major
20 stationary source for the purposes of Section 302(j) of
21 the Clean Air Act, unless the source belongs to one of
22 the following categories of stationary source:

23 A. Coal cleaning plants (with thermal dryers).

24 B. Kraft pulp mills.

25 C. Portland cement plants.

26 D. Primary zinc smelters.

- 1 E. Iron and steel mills.
- 2 F. Primary aluminum ore reduction plants.
- 3 G. Primary copper smelters.
- 4 H. Municipal incinerators capable of charging
5 more than 250 tons of refuse per day.
- 6 I. Hydrofluoric, sulfuric, or nitric acid
7 plants.
- 8 J. Petroleum refineries.
- 9 K. Lime plants.
- 10 L. Phosphate rock processing plants.
- 11 M. Coke oven batteries.
- 12 N. Sulfur recovery plants.
- 13 O. Carbon black plants (furnace process).
- 14 P. Primary lead smelters.
- 15 Q. Fuel conversion plants.
- 16 R. Sintering plants.
- 17 S. Secondary metal production plants.
- 18 T. Chemical process plants.
- 19 U. Fossil-fuel boilers (or combination
20 thereof) totaling more than 250 million British
21 thermal units per hour heat input.
- 22 V. Petroleum storage and transfer units with a
23 total storage capacity exceeding 300,000 barrels.
- 24 W. Taconite ore processing plants.
- 25 X. Glass fiber processing plants.
- 26 Y. Charcoal production plants.

1 Z. Fossil fuel-fired steam electric plants of
2 more than 250 million British thermal units per
3 hour heat input.

4 AA. All other stationary source categories,
5 which as of August 7, 1980 are being regulated by a
6 standard promulgated under Section 111 or 112 of
7 the Clean Air Act.

8 BB. Any other stationary source category
9 designated by USEPA by rule.

10 iii. A major stationary source as defined in part D
11 of Title I of the Clean Air Act including:

12 A. For ozone nonattainment areas, sources with
13 the potential to emit 100 tons or more per year of
14 volatile organic compounds or oxides of nitrogen
15 in areas classified as "marginal" or "moderate",
16 50 tons or more per year in areas classified as
17 "serious", 25 tons or more per year in areas
18 classified as "severe", and 10 tons or more per
19 year in areas classified as "extreme"; except that
20 the references in this clause to 100, 50, 25, and
21 10 tons per year of nitrogen oxides shall not apply
22 with respect to any source for which USEPA has made
23 a finding, under Section 182(f)(1) or (2) of the
24 Clean Air Act, that requirements otherwise
25 applicable to such source under Section 182(f) of
26 the Clean Air Act do not apply. Such sources shall

1 remain subject to the major source criteria of
2 subparagraph (ii) of paragraph 2(c)~~(iii)~~ of this
3 subsection.

4 B. For ozone transport regions established
5 pursuant to Section 184 of the Clean Air Act,
6 sources with the potential to emit 50 tons or more
7 per year of volatile organic compounds (VOCs).

8 C. For carbon monoxide nonattainment areas (1)
9 that are classified as "serious", and (2) in which
10 stationary sources contribute significantly to
11 carbon monoxide levels as determined under rules
12 issued by USEPA, sources with the potential to emit
13 50 tons or more per year of carbon monoxide.

14 D. For particulate matter (PM-10)
15 nonattainment areas classified as "serious",
16 sources with the potential to emit 70 tons or more
17 per year of PM-10.

18 3. Agency Authority To Issue CAAPP Permits and Federally
19 Enforceable State Operating Permits.

20 a. The Agency shall issue CAAPP permits under this
21 Section consistent with the Clean Air Act and regulations
22 promulgated thereunder and this Act and regulations
23 promulgated thereunder.

24 b. The Agency shall issue CAAPP permits for fixed terms
25 of 5 years, except CAAPP permits issued for solid waste

1 incineration units combusting municipal waste which shall
2 be issued for fixed terms of 12 years and except CAAPP
3 permits for affected sources for acid deposition which
4 shall be issued for initial terms to expire on December 31,
5 1999, and for fixed terms of 5 years thereafter.

6 c. The Agency shall have the authority to issue a State
7 operating permit for a source under subsection (a) of
8 Section 39~~(a)~~ of this Act, as amended, and regulations
9 promulgated thereunder, which includes federally
10 enforceable conditions limiting the "potential to emit" of
11 the source to a level below the major source threshold for
12 that source as described in paragraph ~~2~~(c) of subsection 2
13 of this Section, thereby excluding the source from the
14 CAAPP, when requested by the applicant pursuant to
15 paragraph ~~5~~(u) of subsection 5 of this Section. The public
16 notice requirements of this Section applicable to CAAPP
17 permits shall also apply to the initial issuance of permits
18 under this paragraph.

19 d. For purposes of this Act, a permit issued by USEPA
20 under Section 505 of the Clean Air Act, as now and
21 hereafter amended, shall be deemed to be a permit issued by
22 the Agency pursuant to Section 39.5 of this Act.

23 4. Transition.

24 a. An owner or operator of a CAAPP source shall not be
25 required to renew an existing State operating permit for

1 any emission unit at such CAAPP source once a CAAPP
2 application timely submitted prior to expiration of the
3 State operating permit has been deemed complete. For
4 purposes other than permit renewal, the obligation upon the
5 owner or operator of a CAAPP source to obtain a State
6 operating permit is not removed upon submittal of the
7 complete CAAPP permit application. An owner or operator of
8 a CAAPP source seeking to make a modification to a source
9 prior to the issuance of its CAAPP permit shall be required
10 to obtain a construction permit, ~~and/or~~ operating permit,
11 or both as required for such modification in accordance
12 with the State permit program under subsection (a) of
13 Section 39(a) of this Act, as amended, and regulations
14 promulgated thereunder. The application for such
15 construction permit, ~~and/or~~ operating permit, or both
16 shall be considered an amendment to the CAAPP application
17 submitted for such source.

18 b. An owner or operator of a CAAPP source shall
19 continue to operate in accordance with the terms and
20 conditions of its applicable State operating permit
21 notwithstanding the expiration of the State operating
22 permit until the source's CAAPP permit has been issued.

23 c. An owner or operator of a CAAPP source shall submit
24 its initial CAAPP application to the Agency no later than
25 12 months after the effective date of the CAAPP. The Agency
26 may request submittal of initial CAAPP applications during

1 this 12-month ~~12-month~~ period according to a schedule set
2 forth within Agency procedures, however, in no event shall
3 the Agency require such submittal earlier than 3 months
4 after such effective date of the CAAPP. An owner or
5 operator may voluntarily submit its initial CAAPP
6 application prior to the date required within this
7 paragraph or applicable procedures, if any, subsequent to
8 the date the Agency submits the CAAPP to USEPA for
9 approval.

10 d. The Agency shall act on initial CAAPP applications
11 in accordance with paragraph (j) of subsection 5-~~(j)~~ of this
12 Section.

13 e. For purposes of this Section, the term "initial
14 CAAPP application" shall mean the first CAAPP application
15 submitted for a source existing as of the effective date of
16 the CAAPP.

17 f. The Agency shall provide owners or operators of
18 CAAPP sources with at least 3 ~~three~~ months advance notice
19 of the date on which their applications are required to be
20 submitted. In determining which sources shall be subject to
21 early submittal, the Agency shall include among its
22 considerations the complexity of the permit application,
23 and the burden that such early submittal will have on the
24 source.

25 g. The CAAPP permit shall upon becoming effective
26 supersede the State operating permit.

1 h. The Agency shall have the authority to adopt
2 procedural rules, in accordance with the Illinois
3 Administrative Procedure Act, as the Agency deems
4 necessary, to implement this subsection.

5 5. Applications and Completeness.

6 a. An owner or operator of a CAAPP source shall submit
7 its complete CAAPP application consistent with the Act and
8 applicable regulations.

9 b. An owner or operator of a CAAPP source shall submit
10 a single complete CAAPP application covering all emission
11 units at that source.

12 c. To be deemed complete, a CAAPP application must
13 provide all information, as requested in Agency
14 application forms, sufficient to evaluate the subject
15 source and its application and to determine all applicable
16 requirements, pursuant to the Clean Air Act, and
17 regulations thereunder, this Act and regulations
18 thereunder. Such Agency application forms shall be
19 finalized and made available prior to the date on which any
20 CAAPP application is required.

21 d. An owner or operator of a CAAPP source shall submit,
22 as part of its complete CAAPP application, a compliance
23 plan, including a schedule of compliance, describing how
24 each emission unit will comply with all applicable
25 requirements. Any such schedule of compliance shall be

1 supplemental to, and shall not sanction noncompliance
2 with, the applicable requirements on which it is based.

3 e. Each submitted CAAPP application shall be certified
4 for truth, accuracy, and completeness by a responsible
5 official in accordance with applicable regulations.

6 f. The Agency shall provide notice to a CAAPP applicant
7 as to whether a submitted CAAPP application is complete.
8 Unless the Agency notifies the applicant of
9 incompleteness, within 60 days after ~~of~~ receipt of the
10 CAAPP application, the application shall be deemed
11 complete. The Agency may request additional information as
12 needed to make the completeness determination. The Agency
13 may to the extent practicable provide the applicant with a
14 reasonable opportunity to correct deficiencies prior to a
15 final determination of completeness.

16 g. If after the determination of completeness the
17 Agency finds that additional information is necessary to
18 evaluate or take final action on the CAAPP application, the
19 Agency may request in writing such information from the
20 source with a reasonable deadline for response.

21 h. If the owner or operator of a CAAPP source submits a
22 timely and complete CAAPP application, the source's
23 failure to have a CAAPP permit shall not be a violation of
24 this Section until the Agency takes final action on the
25 submitted CAAPP application, provided, however, where the
26 applicant fails to submit the requested information under

1 paragraph ~~5~~(g) of this subsection 5 within the time frame
2 specified by the Agency, this protection shall cease to
3 apply.

4 i. Any applicant who fails to submit any relevant facts
5 necessary to evaluate the subject source and its CAAPP
6 application or who has submitted incorrect information in a
7 CAAPP application shall, upon becoming aware of such
8 failure or incorrect submittal, submit supplementary facts
9 or correct information to the Agency. In addition, an
10 applicant shall provide to the Agency additional
11 information as necessary to address any requirements which
12 become applicable to the source subsequent to the date the
13 applicant submitted its complete CAAPP application but
14 prior to release of the draft CAAPP permit.

15 j. The Agency shall issue or deny the CAAPP permit
16 within 18 months after the date of receipt of the complete
17 CAAPP application, with the following exceptions: (i)
18 permits for affected sources for acid deposition shall be
19 issued or denied within 6 months after receipt of a
20 complete application in accordance with subsection 17 of
21 this Section; (ii) the Agency shall act on initial CAAPP
22 applications within 24 months after the date of receipt of
23 the complete CAAPP application; (iii) the Agency shall act
24 on complete applications containing early reduction
25 demonstrations under Section 112(i)(5) of the Clean Air Act
26 within 9 months of receipt of the complete CAAPP

1 application.

2 Where the Agency does not take final action on the
3 permit within the required time period, the permit shall
4 not be deemed issued; rather, the failure to act shall be
5 treated as a final permit action for purposes of judicial
6 review pursuant to Sections 40.2 and 41 of this Act.

7 k. The submittal of a complete CAAPP application shall
8 not affect the requirement that any source have a
9 preconstruction permit under Title I of the Clean Air Act.

10 l. Unless a timely and complete renewal application has
11 been submitted consistent with this subsection, a CAAPP
12 source operating upon the expiration of its CAAPP permit
13 shall be deemed to be operating without a CAAPP permit.
14 Such operation is prohibited under this Act.

15 m. Permits being renewed shall be subject to the same
16 procedural requirements, including those for public
17 participation and federal review and objection, that apply
18 to original permit issuance.

19 n. For purposes of permit renewal, a timely application
20 is one that is submitted no less than 9 months prior to the
21 date of permit expiration.

22 o. The terms and conditions of a CAAPP permit shall
23 remain in effect until the issuance of a CAAPP renewal
24 permit provided a timely and complete CAAPP application has
25 been submitted.

26 p. The owner or operator of a CAAPP source seeking a

1 permit shield pursuant to paragraph 7(j) of subsection 7 of
2 this Section shall request such permit shield in the CAAPP
3 application regarding that source.

4 q. The Agency shall make available to the public all
5 documents submitted by the applicant to the Agency,
6 including each CAAPP application, compliance plan
7 (including the schedule of compliance), and emissions or
8 compliance monitoring report, with the exception of
9 information entitled to confidential treatment pursuant to
10 Section 7 of this Act.

11 r. The Agency shall use the standardized forms required
12 under Title IV of the Clean Air Act and regulations
13 promulgated thereunder for affected sources for acid
14 deposition.

15 s. An owner or operator of a CAAPP source may include
16 within its CAAPP application a request for permission to
17 operate during a startup, malfunction, or breakdown
18 consistent with applicable Board regulations.

19 t. An owner or operator of a CAAPP source, in order to
20 utilize the operational flexibility provided under
21 paragraph 7(1) of subsection 7 of this Section, must
22 request such use and provide the necessary information
23 within its CAAPP application.

24 u. An owner or operator of a CAAPP source which seeks
25 exclusion from the CAAPP through the imposition of
26 federally enforceable conditions, pursuant to paragraph

1 ~~3~~(c) of subsection 3 of this Section, must request such
2 exclusion within a CAAPP application submitted consistent
3 with this subsection on or after the date that the CAAPP
4 application for the source is due. Prior to such date, but
5 in no case later than 9 months after the effective date of
6 the CAAPP, such owner or operator may request the
7 imposition of federally enforceable conditions pursuant to
8 paragraph ~~1.1~~(b) of subsection 1.1 of this Section.

9 v. CAAPP applications shall contain accurate
10 information on allowable emissions to implement the fee
11 provisions of subsection 18 of this Section.

12 w. An owner or operator of a CAAPP source shall submit
13 within its CAAPP application emissions information
14 regarding all regulated air pollutants emitted at that
15 source consistent with applicable Agency procedures.
16 Emissions information regarding insignificant activities
17 or emission levels, as determined by the Agency pursuant to
18 Board regulations, may be submitted as a list within the
19 CAAPP application. The Agency shall propose regulations to
20 the Board defining insignificant activities or emission
21 levels, consistent with federal regulations, if any, no
22 later than 18 months after the effective date of this
23 amendatory Act of 1992, consistent with Section 112(n)(1)
24 of the Clean Air Act. The Board shall adopt final
25 regulations defining insignificant activities or emission
26 levels no later than 9 months after the date of the

1 Agency's proposal.

2 x. The owner or operator of a new CAAPP source shall
3 submit its complete CAAPP application consistent with this
4 subsection within 12 months after commencing operation of
5 such source. The owner or operator of an existing source
6 that has been excluded from the provisions of this Section
7 under subsection 1.1 or paragraph (c) of subsection 3~~(e)~~ of
8 this Section and that becomes subject to the CAAPP solely
9 due to a change in operation at the source shall submit its
10 complete CAAPP application consistent with this subsection
11 at least 180 days before commencing operation in accordance
12 with the change in operation.

13 y. The Agency shall have the authority to adopt
14 procedural rules, in accordance with the Illinois
15 Administrative Procedure Act, as the Agency deems
16 necessary to implement this subsection.

17 6. Prohibitions.

18 a. It shall be unlawful for any person to violate any
19 terms or conditions of a permit issued under this Section,
20 to operate any CAAPP source except in compliance with a
21 permit issued by the Agency under this Section or to
22 violate any other applicable requirements. All terms and
23 conditions of a permit issued under this Section are
24 enforceable by USEPA and citizens under the Clean Air Act,
25 except those, if any, that are specifically designated as

1 not being federally enforceable in the permit pursuant to
2 paragraph ~~7~~(m) of subsection 7 of this Section.

3 b. After the applicable CAAPP permit or renewal
4 application submittal date, as specified in subsection 5 of
5 this Section, no person shall operate a CAAPP source
6 without a CAAPP permit unless the complete CAAPP permit or
7 renewal application for such source has been timely
8 submitted to the Agency.

9 c. No owner or operator of a CAAPP source shall cause
10 or threaten or allow the continued operation of an emission
11 source during malfunction or breakdown of the emission
12 source or related air pollution control equipment if such
13 operation would cause a violation of the standards or
14 limitations applicable to the source, unless the CAAPP
15 permit granted to the source provides for such operation
16 consistent with this Act and applicable Board regulations.

17 7. Permit Content.

18 a. All CAAPP permits shall contain emission
19 limitations and standards and other enforceable terms and
20 conditions, including but not limited to operational
21 requirements, and schedules for achieving compliance at
22 the earliest reasonable date, which are or will be required
23 to accomplish the purposes and provisions of this Act and
24 to assure compliance with all applicable requirements.

25 b. The Agency shall include among such conditions

1 applicable monitoring, reporting, record keeping and
2 compliance certification requirements, as authorized by
3 paragraphs (d), (e), and (f) ~~d, e, and f~~ of this
4 subsection, that the Agency deems necessary to assure
5 compliance with the Clean Air Act, the regulations
6 promulgated thereunder, this Act, and applicable Board
7 regulations. When monitoring, reporting, record keeping,
8 and compliance certification requirements are specified
9 within the Clean Air Act, regulations promulgated
10 thereunder, this Act, or applicable regulations, such
11 requirements shall be included within the CAAPP permit. The
12 Board shall have authority to promulgate additional
13 regulations where necessary to accomplish the purposes of
14 the Clean Air Act, this Act, and regulations promulgated
15 thereunder.

16 c. The Agency shall assure, within such conditions, the
17 use of terms, test methods, units, averaging periods, and
18 other statistical conventions consistent with the
19 applicable emission limitations, standards, and other
20 requirements contained in the permit.

21 d. To meet the requirements of this subsection with
22 respect to monitoring, the permit shall:

23 i. Incorporate and identify all applicable
24 emissions monitoring and analysis procedures or test
25 methods required under the Clean Air Act, regulations
26 promulgated thereunder, this Act, and applicable Board

1 regulations, including any procedures and methods
2 promulgated by USEPA pursuant to Section 504(b) or
3 Section 114 (a) (3) of the Clean Air Act.

4 ii. Where the applicable requirement does not
5 require periodic testing or instrumental or
6 noninstrumental monitoring (which may consist of
7 recordkeeping designed to serve as monitoring),
8 require periodic monitoring sufficient to yield
9 reliable data from the relevant time period that is
10 representative of the source's compliance with the
11 permit, as reported pursuant to paragraph (f) of this
12 subsection. The Agency may determine that
13 recordkeeping requirements are sufficient to meet the
14 requirements of this subparagraph.

15 iii. As necessary, specify requirements concerning
16 the use, maintenance, and when appropriate,
17 installation of monitoring equipment or methods.

18 e. To meet the requirements of this subsection with
19 respect to record keeping, the permit shall incorporate and
20 identify all applicable recordkeeping requirements and
21 require, where applicable, the following:

22 i. Records of required monitoring information that
23 include the following:

24 A. The date, place and time of sampling or
25 measurements.

26 B. The date(s) analyses were performed.

1 C. The company or entity that performed the
2 analyses.

3 D. The analytical techniques or methods used.

4 E. The results of such analyses.

5 F. The operating conditions as existing at the
6 time of sampling or measurement.

7 ii. Retention of records of all monitoring data
8 and support information for a period of at least 5
9 years from the date of the monitoring sample,
10 measurement, report, or application. Support
11 information includes all calibration and maintenance
12 records, original strip-chart recordings for
13 continuous monitoring instrumentation, and copies of
14 all reports required by the permit.

15 f. To meet the requirements of this subsection with
16 respect to reporting, the permit shall incorporate and
17 identify all applicable reporting requirements and require
18 the following:

19 i. Submittal of reports of any required monitoring
20 every 6 months. More frequent submittals may be
21 requested by the Agency if such submittals are
22 necessary to assure compliance with this Act or
23 regulations promulgated by the Board thereunder. All
24 instances of deviations from permit requirements must
25 be clearly identified in such reports. All required
26 reports must be certified by a responsible official

1 consistent with subsection 5 of this Section.

2 ii. Prompt reporting of deviations from permit
3 requirements, including those attributable to upset
4 conditions as defined in the permit, the probable cause
5 of such deviations, and any corrective actions or
6 preventive measures taken.

7 g. Each CAAPP permit issued under subsection 10 of this
8 Section shall include a condition prohibiting emissions
9 exceeding any allowances that the source lawfully holds
10 under Title IV of the Clean Air Act or the regulations
11 promulgated thereunder, consistent with subsection 17 of
12 this Section and applicable regulations, if any.

13 h. All CAAPP permits shall state that, where another
14 applicable requirement of the Clean Air Act is more
15 stringent than any applicable requirement of regulations
16 promulgated under Title IV of the Clean Air Act, both
17 provisions shall be incorporated into the permit and shall
18 be State and federally enforceable.

19 i. Each CAAPP permit issued under subsection 10 of this
20 Section shall include a severability clause to ensure the
21 continued validity of the various permit requirements in
22 the event of a challenge to any portions of the permit.

23 j. The following shall apply with respect to owners or
24 operators requesting a permit shield:

25 i. The Agency shall include in a CAAPP permit, when
26 requested by an applicant pursuant to paragraph 5(p) of

1 subsection 5 of this Section, a provision stating that
2 compliance with the conditions of the permit shall be
3 deemed compliance with applicable requirements which
4 are applicable as of the date of release of the
5 proposed permit, provided that:

6 A. The applicable requirement is specifically
7 identified within the permit; or

8 B. The Agency in acting on the CAAPP
9 application or revision determines in writing that
10 other requirements specifically identified are not
11 applicable to the source, and the permit includes
12 that determination or a concise summary thereof.

13 ii. The permit shall identify the requirements for
14 which the source is shielded. The shield shall not
15 extend to applicable requirements which are
16 promulgated after the date of release of the proposed
17 permit unless the permit has been modified to reflect
18 such new requirements.

19 iii. A CAAPP permit which does not expressly
20 indicate the existence of a permit shield shall not
21 provide such a shield.

22 iv. Nothing in this paragraph or in a CAAPP permit
23 shall alter or affect the following:

24 A. The provisions of Section 303 (emergency
25 powers) of the Clean Air Act, including USEPA's
26 authority under that section.

1 B. The liability of an owner or operator of a
2 source for any violation of applicable
3 requirements prior to or at the time of permit
4 issuance.

5 C. The applicable requirements of the acid
6 rain program consistent with Section 408(a) of the
7 Clean Air Act.

8 D. The ability of USEPA to obtain information
9 from a source pursuant to Section 114
10 (inspections, monitoring, and entry) of the Clean
11 Air Act.

12 k. Each CAAPP permit shall include an emergency
13 provision providing an affirmative defense of emergency to
14 an action brought for noncompliance with technology-based
15 emission limitations under a CAAPP permit if the following
16 conditions are met through properly signed,
17 contemporaneous operating logs, or other relevant
18 evidence:

19 i. An emergency occurred and the permittee can
20 identify the cause(s) of the emergency.

21 ii. The permitted facility was at the time being
22 properly operated.

23 iii. The permittee submitted notice of the
24 emergency to the Agency within 2 working days after ~~of~~
25 the time when emission limitations were exceeded due to
26 the emergency. This notice must contain a detailed

1 description of the emergency, any steps taken to
2 mitigate emissions, and corrective actions taken.

3 iv. During the period of the emergency the
4 permittee took all reasonable steps to minimize levels
5 of emissions that exceeded the emission limitations,
6 standards, or requirements in the permit.

7 For purposes of this subsection, "emergency" means any
8 situation arising from sudden and reasonably unforeseeable
9 events beyond the control of the source, such as an act of
10 God, that requires immediate corrective action to restore
11 normal operation, and that causes the source to exceed a
12 technology-based emission limitation under the permit, due
13 to unavoidable increases in emissions attributable to the
14 emergency. An emergency shall not include noncompliance to
15 the extent caused by improperly designed equipment, lack of
16 preventative maintenance, careless or improper operation,
17 or operation error.

18 In any enforcement proceeding, the permittee seeking
19 to establish the occurrence of an emergency has the burden
20 of proof. This provision is in addition to any emergency or
21 upset provision contained in any applicable requirement.
22 This provision does not relieve a permittee of any
23 reporting obligations under existing federal or state laws
24 or regulations.

25 1. The Agency shall include in each permit issued under
26 subsection 10 of this Section:

1 i. Terms and conditions for reasonably anticipated
2 operating scenarios identified by the source in its
3 application. The permit terms and conditions for each
4 such operating scenario shall meet all applicable
5 requirements and the requirements of this Section.

6 A. Under this subparagraph, the source must
7 record in a log at the permitted facility a record
8 of the scenario under which it is operating
9 contemporaneously with making a change from one
10 operating scenario to another.

11 B. The permit shield described in paragraph
12 ~~7~~(j) of subsection 7 of this Section shall extend
13 to all terms and conditions under each such
14 operating scenario.

15 ii. Where requested by an applicant, all terms and
16 conditions allowing for trading of emissions increases
17 and decreases between different emission units at the
18 CAAPP source, to the extent that the applicable
19 requirements provide for trading of such emissions
20 increases and decreases without a case-by-case
21 approval of each emissions trade. Such terms and
22 conditions:

23 A. Shall include all terms required under this
24 subsection to determine compliance;

25 B. Must meet all applicable requirements;

26 C. Shall extend the permit shield described in

1 paragraph 7(j) of subsection 7 of this Section to
2 all terms and conditions that allow such increases
3 and decreases in emissions.

4 m. The Agency shall specifically designate as not being
5 federally enforceable under the Clean Air Act any terms and
6 conditions included in the permit that are not specifically
7 required under the Clean Air Act or federal regulations
8 promulgated thereunder. Terms or conditions so designated
9 shall be subject to all applicable state requirements,
10 except the requirements of subsection 7 (other than this
11 paragraph, paragraph q of subsection 7, subsections 8
12 through 11, and subsections 13 through 16 of this Section.
13 The Agency shall, however, include such terms and
14 conditions in the CAAPP permit issued to the source.

15 n. Each CAAPP permit issued under subsection 10 of this
16 Section shall specify and reference the origin of and
17 authority for each term or condition, and identify any
18 difference in form as compared to the applicable
19 requirement upon which the term or condition is based.

20 o. Each CAAPP permit issued under subsection 10 of this
21 Section shall include provisions stating the following:

22 i. Duty to comply. The permittee must comply with
23 all terms and conditions of the CAAPP permit. Any
24 permit noncompliance constitutes a violation of the
25 Clean Air Act and the Act, and is grounds for any or
26 all of the following: enforcement action; permit

1 termination, revocation and reissuance, or
2 modification; or denial of a permit renewal
3 application.

4 ii. Need to halt or reduce activity not a defense.
5 It shall not be a defense for a permittee in an
6 enforcement action that it would have been necessary to
7 halt or reduce the permitted activity in order to
8 maintain compliance with the conditions of this
9 permit.

10 iii. Permit actions. The permit may be modified,
11 revoked, reopened, and reissued, or terminated for
12 cause in accordance with the applicable subsections of
13 Section 39.5 of this Act. The filing of a request by
14 the permittee for a permit modification, revocation
15 and reissuance, or termination, or of a notification of
16 planned changes or anticipated noncompliance does not
17 stay any permit condition.

18 iv. Property rights. The permit does not convey any
19 property rights of any sort, or any exclusive
20 privilege.

21 v. Duty to provide information. The permittee
22 shall furnish to the Agency within a reasonable time
23 specified by the Agency any information that the Agency
24 may request in writing to determine whether cause
25 exists for modifying, revoking and reissuing, or
26 terminating the permit or to determine compliance with

1 the permit. Upon request, the permittee shall also
2 furnish to the Agency copies of records required to be
3 kept by the permit or, for information claimed to be
4 confidential, the permittee may furnish such records
5 directly to USEPA along with a claim of
6 confidentiality.

7 vi. Duty to pay fees. The permittee must pay fees
8 to the Agency consistent with the fee schedule approved
9 pursuant to subsection 18 of this Section, and submit
10 any information relevant thereto.

11 vii. Emissions trading. No permit revision shall
12 be required for increases in emissions allowed under
13 any approved economic incentives, marketable permits,
14 emissions trading, and other similar programs or
15 processes for changes that are provided for in the
16 permit and that are authorized by the applicable
17 requirement.

18 p. Each CAAPP permit issued under subsection 10 of this
19 Section shall contain the following elements with respect
20 to compliance:

21 i. Compliance certification, testing, monitoring,
22 reporting, and record keeping requirements sufficient
23 to assure compliance with the terms and conditions of
24 the permit. Any document (including reports) required
25 by a CAAPP permit shall contain a certification by a
26 responsible official that meets the requirements of

1 subsection 5 of this Section and applicable
2 regulations.

3 ii. Inspection and entry requirements that
4 necessitate that, upon presentation of credentials and
5 other documents as may be required by law and in
6 accordance with constitutional limitations, the
7 permittee shall allow the Agency, or an authorized
8 representative to perform the following:

9 A. Enter upon the permittee's premises where a
10 CAAPP source is located or emissions-related
11 activity is conducted, or where records must be
12 kept under the conditions of the permit.

13 B. Have access to and copy, at reasonable
14 times, any records that must be kept under the
15 conditions of the permit.

16 C. Inspect at reasonable times any facilities,
17 equipment (including monitoring and air pollution
18 control equipment), practices, or operations
19 regulated or required under the permit.

20 D. Sample or monitor any substances or
21 parameters at any location:

22 1. As authorized by the Clean Air Act, at
23 reasonable times, for the purposes of assuring
24 compliance with the CAAPP permit or applicable
25 requirements; or

26 2. As otherwise authorized by this Act.

1 iii. A schedule of compliance consistent with
2 subsection 5 of this Section and applicable
3 regulations.

4 iv. Progress reports consistent with an applicable
5 schedule of compliance pursuant to paragraph ~~5~~(d) of
6 subsection 5 of this Section and applicable
7 regulations to be submitted semiannually, or more
8 frequently if the Agency determines that such more
9 frequent submittals are necessary for compliance with
10 the Act or regulations promulgated by the Board
11 thereunder. Such progress reports shall contain the
12 following:

13 A. Required dates for achieving the
14 activities, milestones, or compliance required by
15 the schedule of compliance and dates when such
16 activities, milestones or compliance were
17 achieved.

18 B. An explanation of why any dates in the
19 schedule of compliance were not or will not be met,
20 and any preventive or corrective measures adopted.

21 v. Requirements for compliance certification with
22 terms and conditions contained in the permit,
23 including emission limitations, standards, or work
24 practices. Permits shall include each of the
25 following:

26 A. The frequency (annually or more frequently

1 as specified in any applicable requirement or by
2 the Agency pursuant to written procedures) of
3 submissions of compliance certifications.

4 B. A means for assessing or monitoring the
5 compliance of the source with its emissions
6 limitations, standards, and work practices.

7 C. A requirement that the compliance
8 certification include the following:

9 1. The identification of each term or
10 condition contained in the permit that is the
11 basis of the certification.

12 2. The compliance status.

13 3. Whether compliance was continuous or
14 intermittent.

15 4. The method(s) used for determining the
16 compliance status of the source, both
17 currently and over the reporting period
18 consistent with subsection 7 of this Section
19 ~~39.5 of the Act~~.

20 D. A requirement that all compliance
21 certifications be submitted to USEPA as well as to
22 the Agency.

23 E. Additional requirements as may be specified
24 pursuant to Sections 114(a)(3) and 504(b) of the
25 Clean Air Act.

26 F. Other provisions as the Agency may require.

1 q. If the owner or operator of CAAPP source can
2 demonstrate in its CAAPP application, including an
3 application for a significant modification, that an
4 alternative emission limit would be equivalent to that
5 contained in the applicable Board regulations, the Agency
6 shall include the alternative emission limit in the CAAPP
7 permit, which shall supersede the emission limit set forth
8 in the applicable Board regulations, and shall include
9 conditions that insure that the resulting emission limit is
10 quantifiable, accountable, enforceable, and based on
11 replicable procedures.

12 8. Public Notice; Affected State Review.

13 a. The Agency shall provide notice to the public,
14 including an opportunity for public comment and a hearing,
15 on each draft CAAPP permit for issuance, renewal or
16 significant modification, subject to Section ~~Sections 7(a)~~
17 ~~and 7.1~~ and subsection (a) of Section 7 of this Act.

18 b. The Agency shall prepare a draft CAAPP permit and a
19 statement that sets forth the legal and factual basis for
20 the draft CAAPP permit conditions, including references to
21 the applicable statutory or regulatory provisions. The
22 Agency shall provide this statement to any person who
23 requests it.

24 c. The Agency shall give notice of each draft CAAPP
25 permit to the applicant and to any affected State on or
26 before the time that the Agency has provided notice to the

1 public, except as otherwise provided in this Act.

2 d. The Agency, as part of its submittal of a proposed
3 permit to USEPA (or as soon as possible after the submittal
4 for minor permit modification procedures allowed under
5 subsection 14 of this Section), shall notify USEPA and any
6 affected State in writing of any refusal of the Agency to
7 accept all of the recommendations for the proposed permit
8 that an affected State submitted during the public or
9 affected State review period. The notice shall include the
10 Agency's reasons for not accepting the recommendations.
11 The Agency is not required to accept recommendations that
12 are not based on applicable requirements or the
13 requirements of this Section.

14 e. The Agency shall make available to the public any
15 CAAPP permit application, compliance plan (including the
16 schedule of compliance), CAAPP permit, and emissions or
17 compliance monitoring report. If an owner or operator of a
18 CAAPP source is required to submit information entitled to
19 protection from disclosure under ~~Section 7(a) or~~ Section
20 7.1 and subsection (a) of Section 7 of this Act, the owner
21 or operator shall submit such information separately. The
22 requirements of ~~Section 7(a) or~~ Section 7.1 and subsection
23 (a) of Section 7 of this Act shall apply to such
24 information, which shall not be included in a CAAPP permit
25 unless required by law. The contents of a CAAPP permit
26 shall not be entitled to protection under ~~Section 7(a) or~~

1 Section 7.1 and subsection (a) of Section 7 of this Act.

2 f. The Agency shall have the authority to adopt
3 procedural rules, in accordance with the Illinois
4 Administrative Procedure Act, as the Agency deems
5 necessary, to implement this subsection.

6 g. If requested by the permit applicant, the Agency
7 shall provide the permit applicant with a copy of the draft
8 CAAPP permit prior to any public review period. If
9 requested by the permit applicant, the Agency shall provide
10 the permit applicant with a copy of the final CAAPP permit
11 prior to issuance of the CAAPP permit.

12 9. USEPA Notice and Objection.

13 a. The Agency shall provide to USEPA for its review a
14 copy of each CAAPP application (including any application
15 for permit modification), statement of basis as provided in
16 paragraph ~~8~~(b) of subsection 8 of this Section, proposed
17 CAAPP permit, CAAPP permit, and, if the Agency does not
18 incorporate any affected State's recommendations on a
19 proposed CAAPP permit, a written statement of this decision
20 and its reasons for not accepting the recommendations,
21 except as otherwise provided in this Act or by agreement
22 with USEPA. To the extent practicable, the preceding
23 information shall be provided in computer readable format
24 compatible with USEPA's national database management
25 system.

1 b. The Agency shall not issue the proposed CAAPP permit
2 if USEPA objects in writing within 45 days after ~~of~~ receipt
3 of the proposed CAAPP permit and all necessary supporting
4 information.

5 c. If USEPA objects in writing to the issuance of the
6 proposed CAAPP permit within the 45-day period, the Agency
7 shall respond in writing and may revise and resubmit the
8 proposed CAAPP permit in response to the stated objection,
9 to the extent supported by the record, within 90 days after
10 the date of the objection. Prior to submitting a revised
11 permit to USEPA, the Agency shall provide the applicant and
12 any person who participated in the public comment process,
13 pursuant to subsection 8 of this Section, with a 10-day
14 period to comment on any revision which the Agency is
15 proposing to make to the permit in response to USEPA's
16 objection in accordance with Agency procedures.

17 d. Any USEPA objection under this subsection,
18 according to the Clean Air Act, will include a statement of
19 reasons for the objection and a description of the terms
20 and conditions that must be in the permit, in order to
21 adequately respond to the objections. Grounds for a USEPA
22 objection include the failure of the Agency to: (1) submit
23 the items and notices required under this subsection; (2)
24 submit any other information necessary to adequately
25 review the proposed CAAPP permit; or (3) process the permit
26 under subsection 8 of this Section except for minor permit

1 modifications.

2 e. If USEPA does not object in writing to issuance of a
3 permit under this subsection, any person may petition USEPA
4 within 60 days after expiration of the 45-day review period
5 to make such objection.

6 f. If the permit has not yet been issued and USEPA
7 objects to the permit as a result of a petition, the Agency
8 shall not issue the permit until USEPA's objection has been
9 resolved. The Agency shall provide a 10-day comment period
10 in accordance with paragraph c of this subsection. A
11 petition does not, however, stay the effectiveness of a
12 permit or its requirements if the permit was issued after
13 expiration of the 45-day review period and prior to a USEPA
14 objection.

15 g. If the Agency has issued a permit after expiration
16 of the 45-day review period and prior to receipt of a USEPA
17 objection under this subsection in response to a petition
18 submitted pursuant to paragraph e of this subsection, the
19 Agency may, upon receipt of an objection from USEPA, revise
20 and resubmit the permit to USEPA pursuant to this
21 subsection after providing a 10-day comment period in
22 accordance with paragraph c of this subsection. If the
23 Agency fails to submit a revised permit in response to the
24 objection, USEPA shall modify, terminate or revoke the
25 permit. In any case, the source will not be in violation of
26 the requirement to have submitted a timely and complete

1 application.

2 h. The Agency shall have the authority to adopt
3 procedural rules, in accordance with the Illinois
4 Administrative Procedure Act, as the Agency deems
5 necessary, to implement this subsection.

6 10. Final Agency Action.

7 a. The Agency shall issue a CAAPP permit, permit
8 modification, or permit renewal if all of the following
9 conditions are met:

10 i. The applicant has submitted a complete and
11 certified application for a permit, permit
12 modification, or permit renewal consistent with
13 subsections 5 and 14 of this Section, as applicable,
14 and applicable regulations.

15 ii. The applicant has submitted with its complete
16 application an approvable compliance plan, including a
17 schedule for achieving compliance, consistent with
18 subsection 5 of this Section and applicable
19 regulations.

20 iii. The applicant has timely paid the fees
21 required pursuant to subsection 18 of this Section and
22 applicable regulations.

23 iv. The Agency has received a complete CAAPP
24 application and, if necessary, has requested and
25 received additional information from the applicant

1 consistent with subsection 5 of this Section and
2 applicable regulations.

3 v. The Agency has complied with all applicable
4 provisions regarding public notice and affected State
5 review consistent with subsection 8 of this Section and
6 applicable regulations.

7 vi. The Agency has provided a copy of each CAAPP
8 application, or summary thereof, pursuant to agreement
9 with USEPA and proposed CAAPP permit required under
10 subsection 9 of this Section to USEPA, and USEPA has
11 not objected to the issuance of the permit in
12 accordance with the Clean Air Act and 40 CFR Part 70.

13 b. The Agency shall have the authority to deny a CAAPP
14 permit, permit modification, or permit renewal if the
15 applicant has not complied with the requirements of
16 subparagraphs (i) through (iv) of paragraph (a) ~~paragraphs~~
17 ~~(a)(i) (a)(iv)~~ of this subsection or if USEPA objects to
18 its issuance.

19 c. i. Prior to denial of a CAAPP permit, permit
20 modification, or permit renewal under this Section,
21 the Agency shall notify the applicant of the possible
22 denial and the reasons for the denial.

23 ii. Within such notice, the Agency shall specify an
24 appropriate date by which the applicant shall
25 adequately respond to the Agency's notice. Such date
26 shall not exceed 15 days from the date the notification

1 is received by the applicant. The Agency may grant a
2 reasonable extension for good cause shown.

3 iii. Failure by the applicant to adequately
4 respond by the date specified in the notification or by
5 any granted extension date shall be grounds for denial
6 of the permit.

7 For purposes of obtaining judicial review under
8 Sections 40.2 and 41 of this Act, the Agency shall
9 provide to USEPA and each applicant, and, upon request,
10 to affected States, any person who participated in the
11 public comment process, and any other person who could
12 obtain judicial review under Sections 40.2 and 41 of
13 this Act, a copy of each CAAPP permit or notification
14 of denial pertaining to that party.

15 d. The Agency shall have the authority to adopt
16 procedural rules, in accordance with the Illinois
17 Administrative Procedure Act, as the Agency deems
18 necessary, to implement this subsection.

19 11. General Permits.

20 a. The Agency may issue a general permit covering
21 numerous similar sources, except for affected sources for
22 acid deposition unless otherwise provided in regulations
23 promulgated under Title IV of the Clean Air Act.

24 b. The Agency shall identify, in any general permit,
25 criteria by which sources may qualify for the general

1 permit.

2 c. CAAPP sources that would qualify for a general
3 permit must apply for coverage under the terms of the
4 general permit or must apply for a CAAPP permit consistent
5 with subsection 5 of this Section and applicable
6 regulations.

7 d. The Agency shall comply with the public comment and
8 hearing provisions of this Section as well as the USEPA and
9 affected State review procedures prior to issuance of a
10 general permit.

11 e. When granting a subsequent request by a qualifying
12 CAAPP source for coverage under the terms of a general
13 permit, the Agency shall not be required to repeat the
14 public notice and comment procedures. The granting of such
15 request shall not be considered a final permit action for
16 purposes of judicial review.

17 f. The Agency may not issue a general permit to cover
18 any discrete emission unit at a CAAPP source if another
19 CAAPP permit covers emission units at the source.

20 g. The Agency shall have the authority to adopt
21 procedural rules, in accordance with the Illinois
22 Administrative Procedure Act, as the Agency deems
23 necessary, to implement this subsection.

24 12. Operational Flexibility.

25 a. An owner or operator of a CAAPP source may make

1 changes at the CAAPP source without requiring a prior
2 permit revision, consistent with subparagraphs ~~(a)~~ (i)
3 through ~~(a)~~ (iii) of paragraph (a) of this subsection, so
4 long as the changes are not modifications under any
5 provision of Title I of the Clean Air Act and they do not
6 exceed the emissions allowable under the permit (whether
7 expressed therein as a rate of emissions or in terms of
8 total emissions), provided that the owner or operator of
9 the CAAPP source provides USEPA and the Agency with written
10 notification as required below in advance of the proposed
11 changes, which shall be a minimum of 7 days, unless
12 otherwise provided by the Agency in applicable regulations
13 regarding emergencies. The owner or operator of a CAAPP
14 source and the Agency shall each attach such notice to
15 their copy of the relevant permit.

16 i. An owner or operator of a CAAPP source may make
17 Section 502 (b) (10) changes without a permit revision,
18 if the changes are not modifications under any
19 provision of Title I of the Clean Air Act and the
20 changes do not exceed the emissions allowable under the
21 permit (whether expressed therein as a rate of
22 emissions or in terms of total emissions).

23 A. For each such change, the written
24 notification required above shall include a brief
25 description of the change within the source, the
26 date on which the change will occur, any change in

1 emissions, and any permit term or condition that is
2 no longer applicable as a result of the change.

3 B. The permit shield described in paragraph
4 ~~7~~(j) of subsection 7 of this Section shall not
5 apply to any change made pursuant to this
6 subparagraph.

7 ii. An owner or operator of a CAAPP source may
8 trade increases and decreases in emissions in the CAAPP
9 source, where the applicable implementation plan
10 provides for such emission trades without requiring a
11 permit revision. This provision is available in those
12 cases where the permit does not already provide for
13 such emissions trading.

14 A. Under this subparagraph ~~(a)~~(ii) of
15 paragraph (a) of this subsection, the written
16 notification required above shall include such
17 information as may be required by the provision in
18 the applicable implementation plan authorizing the
19 emissions trade, including at a minimum, when the
20 proposed changes will occur, a description of each
21 such change, any change in emissions, the permit
22 requirements with which the source will comply
23 using the emissions trading provisions of the
24 applicable implementation plan, and the pollutants
25 emitted subject to the emissions trade. The notice
26 shall also refer to the provisions in the

1 applicable implementation plan with which the
2 source will comply and provide for the emissions
3 trade.

4 B. The permit shield described in paragraph
5 ~~7~~(j) of subsection 7 of this Section shall not
6 apply to any change made pursuant to ~~this~~
7 subparagraph ~~(a)~~ (ii) of paragraph (a) of this
8 subsection. Compliance with the permit
9 requirements that the source will meet using the
10 emissions trade shall be determined according to
11 the requirements of the applicable implementation
12 plan authorizing the emissions trade.

13 iii. If requested within a CAAPP application, the
14 Agency shall issue a CAAPP permit which contains terms
15 and conditions, including all terms required under
16 subsection 7 of this Section to determine compliance,
17 allowing for the trading of emissions increases and
18 decreases at the CAAPP source solely for the purpose of
19 complying with a federally-enforceable emissions cap
20 that is established in the permit independent of
21 otherwise applicable requirements. The owner or
22 operator of a CAAPP source shall include in its CAAPP
23 application proposed replicable procedures and permit
24 terms that ensure the emissions trades are
25 quantifiable and enforceable. The permit shall also
26 require compliance with all applicable requirements.

1 A. Under this subparagraph ~~(a)~~(iii) of
2 paragraph (a), the written notification required
3 above shall state when the change will occur and
4 shall describe the changes in emissions that will
5 result and how these increases and decreases in
6 emissions will comply with the terms and
7 conditions of the permit.

8 B. The permit shield described in paragraph
9 ~~7~~(j) of subsection 7 of this Section shall extend
10 to terms and conditions that allow such increases
11 and decreases in emissions.

12 b. An owner or operator of a CAAPP source may make
13 changes that are not addressed or prohibited by the permit,
14 other than those which are subject to any requirements
15 under Title IV of the Clean Air Act or are modifications
16 under any provisions of Title I of the Clean Air Act,
17 without a permit revision, in accordance with the following
18 requirements:

19 (i) Each such change shall meet all applicable
20 requirements and shall not violate any existing permit
21 term or condition;

22 (ii) Sources must provide contemporaneous written
23 notice to the Agency and USEPA of each such change,
24 except for changes that qualify as insignificant under
25 provisions adopted by the Agency or the Board. Such
26 written notice shall describe each such change,

1 including the date, any change in emissions,
2 pollutants emitted, and any applicable requirement
3 that would apply as a result of the change;

4 (iii) The change shall not qualify for the shield
5 described in paragraph 7(j) of subsection 7 of this
6 Section; and

7 (iv) The permittee shall keep a record describing
8 changes made at the source that result in emissions of
9 a regulated air pollutant subject to an applicable
10 Clean Air Act requirement, but not otherwise regulated
11 under the permit, and the emissions resulting from
12 those changes.

13 c. The Agency shall have the authority to adopt
14 procedural rules, in accordance with the Illinois
15 Administrative Procedure Act, as the Agency deems
16 necessary to implement this subsection.

17 13. Administrative Permit Amendments.

18 a. The Agency shall take final action on a request for
19 an administrative permit amendment within 60 days after ~~of~~
20 receipt of the request. Neither notice nor an opportunity
21 for public and affected State comment shall be required for
22 the Agency to incorporate such revisions, provided it
23 designates the permit revisions as having been made
24 pursuant to this subsection.

25 b. The Agency shall submit a copy of the revised permit

1 to USEPA.

2 c. For purposes of this Section the term
3 "administrative permit amendment" shall be defined as a
4 permit revision that can accomplish one or more of the
5 changes described below:

6 i. Corrects typographical errors;

7 ii. Identifies a change in the name, address, or
8 phone number of any person identified in the permit, or
9 provides a similar minor administrative change at the
10 source;

11 iii. Requires more frequent monitoring or
12 reporting by the permittee;

13 iv. Allows for a change in ownership or operational
14 control of a source where the Agency determines that no
15 other change in the permit is necessary, provided that
16 a written agreement containing a specific date for
17 transfer of permit responsibility, coverage, and
18 liability between the current and new permittees has
19 been submitted to the Agency;

20 v. Incorporates into the CAAPP permit the
21 requirements from preconstruction review permits
22 authorized under a USEPA-approved program, provided
23 the program meets procedural and compliance
24 requirements substantially equivalent to those
25 contained in this Section;

26 vi. (Blank); or

1 vii. Any other type of change which USEPA has
2 determined as part of the approved CAAPP permit program
3 to be similar to those included in this subsection.

4 d. The Agency shall, upon taking final action granting
5 a request for an administrative permit amendment, allow
6 coverage by the permit shield in paragraph ~~7(j)~~ of
7 subsection 7 of this Section for administrative permit
8 amendments made pursuant to subparagraph ~~(e)~~(v) of
9 paragraph (c) of this subsection which meet the relevant
10 requirements for significant permit modifications.

11 e. Permit revisions and modifications, including
12 administrative amendments and automatic amendments
13 (pursuant to Sections 408(b) and 403(d) of the Clean Air
14 Act or regulations promulgated thereunder), for purposes
15 of the acid rain portion of the permit shall be governed by
16 the regulations promulgated under Title IV of the Clean Air
17 Act. Owners or operators of affected sources for acid
18 deposition shall have the flexibility to amend their
19 compliance plans as provided in the regulations
20 promulgated under Title IV of the Clean Air Act.

21 f. The CAAPP source may implement the changes addressed
22 in the request for an administrative permit amendment
23 immediately upon submittal of the request.

24 g. The Agency shall have the authority to adopt
25 procedural rules, in accordance with the Illinois
26 Administrative Procedure Act, as the Agency deems

1 necessary, to implement this subsection.

2 14. Permit Modifications.

3 a. Minor permit modification procedures.

4 i. The Agency shall review a permit modification
5 using the "minor permit" modification procedures only
6 for those permit modifications that:

7 A. Do not violate any applicable requirement;

8 B. Do not involve significant changes to
9 existing monitoring, reporting, or recordkeeping
10 requirements in the permit;

11 C. Do not require a case-by-case determination
12 of an emission limitation or other standard, or a
13 source-specific determination of ambient impacts,
14 or a visibility or increment analysis;

15 D. Do not seek to establish or change a permit
16 term or condition for which there is no
17 corresponding underlying requirement and which
18 avoids an applicable requirement to which the
19 source would otherwise be subject. Such terms and
20 conditions include:

21 1. A federally enforceable emissions cap
22 assumed to avoid classification as a
23 modification under any provision of Title I of
24 the Clean Air Act; and

25 2. An alternative emissions limit approved

1 pursuant to regulations promulgated under
2 Section 112(i)(5) of the Clean Air Act;

3 E. Are not modifications under any provision
4 of Title I of the Clean Air Act; and

5 F. Are not required to be processed as a
6 significant modification.

7 ii. Notwithstanding subparagraph ~~subparagraphs~~
8 ~~(a)~~(i) of paragraph (a) and subparagraph ~~(b)~~(ii) of
9 paragraph (b) of this subsection, minor permit
10 modification procedures may be used for permit
11 modifications involving the use of economic
12 incentives, marketable permits, emissions trading, and
13 other similar approaches, to the extent that such minor
14 permit modification procedures are explicitly provided
15 for in an applicable implementation plan or in
16 applicable requirements promulgated by USEPA.

17 iii. An applicant requesting the use of minor
18 permit modification procedures shall meet the
19 requirements of subsection 5 of this Section and shall
20 include the following in its application:

21 A. A description of the change, the emissions
22 resulting from the change, and any new applicable
23 requirements that will apply if the change occurs;

24 B. The source's suggested draft permit;

25 C. Certification by a responsible official,
26 consistent with paragraph ~~5~~(e) of subsection 5 of

1 this Section and applicable regulations, that the
2 proposed modification meets the criteria for use
3 of minor permit modification procedures and a
4 request that such procedures be used; and

5 D. Completed forms for the Agency to use to
6 notify USEPA and affected States as required under
7 subsections 8 and 9 of this Section.

8 iv. Within 5 working days after ~~of~~ receipt of a
9 complete permit modification application, the Agency
10 shall notify USEPA and affected States of the requested
11 permit modification in accordance with subsections 8
12 and 9 of this Section. The Agency promptly shall send
13 any notice required under paragraph ~~8~~(d) of subsection
14 8 of this Section to USEPA.

15 v. The Agency may not issue a final permit
16 modification until after the 45-day review period for
17 USEPA or until USEPA has notified the Agency that USEPA
18 will not object to the issuance of the permit
19 modification, whichever comes first, although the
20 Agency can approve the permit modification prior to
21 that time. Within 90 days after ~~of~~ the Agency's receipt
22 of an application under the minor permit modification
23 procedures or 15 days after the end of USEPA's 45-day
24 review period under subsection 9 of this Section,
25 whichever is later, the Agency shall:

26 A. Issue the permit modification as proposed;

1 B. Deny the permit modification application;

2 C. Determine that the requested modification
3 does not meet the minor permit modification
4 criteria and should be reviewed under the
5 significant modification procedures; or

6 D. Revise the draft permit modification and
7 transmit to USEPA the new proposed permit
8 modification as required by subsection 9 of this
9 Section.

10 vi. Any CAAPP source may make the change proposed
11 in its minor permit modification application
12 immediately after it files such application. After the
13 CAAPP source makes the change allowed by the preceding
14 sentence, and until the Agency takes any of the actions
15 specified in items subparagraphs (a) (v) (A) through
16 (a) (v) (C) of subparagraph (v) of paragraph (a) of this
17 subsection, the source must comply with both the
18 applicable requirements governing the change and the
19 proposed permit terms and conditions. During this time
20 period, the source need not comply with the existing
21 permit terms and conditions it seeks to modify. If the
22 source fails to comply with its proposed permit terms
23 and conditions during this time period, the existing
24 permit terms and conditions which it seeks to modify
25 may be enforced against it.

26 vii. The permit shield under paragraph (j) of

1 subsection 7 ~~subparagraph 7(j)~~ of this Section may not
2 extend to minor permit modifications.

3 viii. If a construction permit is required,
4 pursuant to subsection (a) of Section 39~~(a)~~ of this Act
5 and regulations thereunder, for a change for which the
6 minor permit modification procedures are applicable,
7 the source may request that the processing of the
8 construction permit application be consolidated with
9 the processing of the application for the minor permit
10 modification. In such cases, the provisions of this
11 Section, including those within subsections 5, 8, and
12 9, shall apply and the Agency shall act on such
13 applications pursuant to subparagraph ~~14(a)~~(v) of
14 paragraph (a) of subsection 14 of this Section. The
15 source may make the proposed change immediately after
16 filing its application for the minor permit
17 modification. Nothing in this subparagraph shall
18 otherwise affect the requirements and procedures
19 applicable to construction permits.

20 b. Group Processing of Minor Permit Modifications.

21 i. Where requested by an applicant within its
22 application, the Agency shall process groups of a
23 source's applications for certain modifications
24 eligible for minor permit modification processing in
25 accordance with the provisions of this paragraph (b).

26 ii. Permit modifications may be processed in

1 accordance with the procedures for group processing,
2 for those modifications:

3 A. Which meet the criteria for minor permit
4 modification procedures under subparagraph
5 ~~14(a)~~(i) of paragraph (a) of subsection 14 of this
6 Section; and

7 B. That collectively are below 10 percent of
8 the emissions allowed by the permit for the
9 emissions unit for which change is requested, 20
10 percent of the applicable definition of major
11 source set forth in subsection 2 of this Section,
12 or 5 tons per year, whichever is least.

13 iii. An applicant requesting the use of group
14 processing procedures shall meet the requirements of
15 subsection 5 of this Section and shall include the
16 following in its application:

17 A. A description of the change, the emissions
18 resulting from the change, and any new applicable
19 requirements that will apply if the change occurs.

20 B. The source's suggested draft permit.

21 C. Certification by a responsible official
22 consistent with paragraph ~~5~~(e) of subsection 5 of
23 this Section, that the proposed modification meets
24 the criteria for use of group processing
25 procedures and a request that such procedures be
26 used.

1 D. A list of the source's other pending
2 applications awaiting group processing, and a
3 determination of whether the requested
4 modification, aggregated with these other
5 applications, equals or exceeds the threshold set
6 under item subparagraph (b)(ii)(B) of subparagraph
7 (ii) of paragraph (b) of this subsection.

8 E. Certification, consistent with paragraph
9 5(e) of subsection 5 of this Section, that the
10 source has notified USEPA of the proposed
11 modification. Such notification need only contain
12 a brief description of the requested modification.

13 F. Completed forms for the Agency to use to
14 notify USEPA and affected states as required under
15 subsections 8 and 9 of this Section.

16 iv. On a quarterly basis or within 5 business days
17 after ~~of~~ receipt of an application demonstrating that
18 the aggregate of a source's pending applications
19 equals or exceeds the threshold level set forth within
20 item subparagraph (b)(ii)(B) of subparagraph (ii) of
21 paragraph (b) of this subsection, whichever is
22 earlier, the Agency shall promptly notify USEPA and
23 affected States of the requested permit modifications
24 in accordance with subsections 8 and 9 of this Section.
25 The Agency shall send any notice required under
26 paragraph ~~8~~(d) of subsection 8 of this Section to

1 USEPA.

2 v. The provisions of subparagraph ~~(a)~~(v) of
3 paragraph (a) of this subsection shall apply to
4 modifications eligible for group processing, except
5 that the Agency shall take one of the actions specified
6 in items ~~subparagraphs (a)(v)(A) through (a)(v)(D)~~ of
7 subparagraph (v) of paragraph (a) of this subsection
8 within 180 days after ~~of~~ receipt of the application or
9 15 days after the end of USEPA's 45-day review period
10 under subsection 9 of this Section, whichever is later.

11 vi. The provisions of subparagraph ~~(a)~~(vi) of
12 paragraph (a) of this subsection shall apply to
13 modifications for group processing.

14 vii. The provisions of paragraph ~~7~~(j) of
15 subsection 7 of this Section shall not apply to
16 modifications eligible for group processing.

17 c. Significant Permit Modifications.

18 i. Significant modification procedures shall be
19 used for applications requesting significant permit
20 modifications and for those applications that do not
21 qualify as either minor permit modifications or as
22 administrative permit amendments.

23 ii. Every significant change in existing
24 monitoring permit terms or conditions and every
25 relaxation of reporting or recordkeeping requirements
26 shall be considered significant. A modification shall

1 also be considered significant if in the judgment of
2 the Agency action on an application for modification
3 would require decisions to be made on technically
4 complex issues. Nothing herein shall be construed to
5 preclude the permittee from making changes consistent
6 with this Section that would render existing permit
7 compliance terms and conditions irrelevant.

8 iii. Significant permit modifications must meet
9 all the requirements of this Section, including those
10 for applications (including completeness review),
11 public participation, review by affected States, and
12 review by USEPA applicable to initial permit issuance
13 and permit renewal. The Agency shall take final action
14 on significant permit modifications within 9 months
15 after receipt of a complete application.

16 d. The Agency shall have the authority to adopt
17 procedural rules, in accordance with the Illinois
18 Administrative Procedure Act, as the Agency deems
19 necessary, to implement this subsection.

20 15. Reopenings for Cause by the Agency.

21 a. Each issued CAAPP permit shall include provisions
22 specifying the conditions under which the permit will be
23 reopened prior to the expiration of the permit. Such
24 revisions shall be made as expeditiously as practicable. A
25 CAAPP permit shall be reopened and revised under any of the

1 following circumstances, in accordance with procedures
2 adopted by the Agency:

3 i. Additional requirements under the Clean Air Act
4 become applicable to a major CAAPP source for which 3
5 or more years remain on the original term of the
6 permit. Such a reopening shall be completed not later
7 than 18 months after the promulgation of the applicable
8 requirement. No such revision is required if the
9 effective date of the requirement is later than the
10 date on which the permit is due to expire.

11 ii. Additional requirements (including excess
12 emissions requirements) become applicable to an
13 affected source for acid deposition under the acid rain
14 program. Excess emissions offset plans shall be deemed
15 to be incorporated into the permit upon approval by
16 USEPA.

17 iii. The Agency or USEPA determines that the permit
18 contains a material mistake or that inaccurate
19 statements were made in establishing the emissions
20 standards, limitations, or other terms or conditions
21 of the permit.

22 iv. The Agency or USEPA determines that the permit
23 must be revised or revoked to assure compliance with
24 the applicable requirements.

25 b. In the event that the Agency determines that there
26 are grounds for revoking a CAAPP permit, for cause,

1 consistent with paragraph a of this subsection, it shall
2 file a petition before the Board setting forth the basis
3 for such revocation. In any such proceeding, the Agency
4 shall have the burden of establishing that the permit
5 should be revoked under the standards set forth in this Act
6 and the Clean Air Act. Any such proceeding shall be
7 conducted pursuant to the Board's procedures for
8 adjudicatory hearings and the Board shall render its
9 decision within 120 days of the filing of the petition. The
10 Agency shall take final action to revoke and reissue a
11 CAAPP permit consistent with the Board's order.

12 c. Proceedings regarding a reopened CAAPP permit shall
13 follow the same procedures as apply to initial permit
14 issuance and shall affect only those parts of the permit
15 for which cause to reopen exists.

16 d. Reopenings under paragraph (a) of this subsection
17 shall not be initiated before a notice of such intent is
18 provided to the CAAPP source by the Agency at least 30 days
19 in advance of the date that the permit is to be reopened,
20 except that the Agency may provide a shorter time period in
21 the case of an emergency.

22 e. The Agency shall have the authority to adopt
23 procedural rules, in accordance with the Illinois
24 Administrative Procedure Act, as the Agency deems
25 necessary, to implement this subsection.

1 16. Reopenings for Cause by USEPA.

2 a. When USEPA finds that cause exists to terminate,
3 modify, or revoke and reissue a CAAPP permit pursuant to
4 subsection 15 of this Section, and thereafter notifies the
5 Agency and the permittee of such finding in writing, the
6 Agency shall forward to USEPA and the permittee a proposed
7 determination of termination, modification, or revocation
8 and reissuance as appropriate, in accordance with
9 paragraph (b) of this subsection. The Agency's proposed
10 determination shall be in accordance with the record, the
11 Clean Air Act, regulations promulgated thereunder, this
12 Act and regulations promulgated thereunder. Such proposed
13 determination shall not affect the permit or constitute a
14 final permit action for purposes of this Act or the
15 Administrative Review Law. The Agency shall forward to
16 USEPA such proposed determination within 90 days after
17 receipt of the notification from USEPA. If additional time
18 is necessary to submit the proposed determination, the
19 Agency shall request a 90-day extension from USEPA and
20 shall submit the proposed determination within 180 days
21 after ~~of~~ receipt of notification from USEPA.

22 b. i. Prior to the Agency's submittal to USEPA of a
23 proposed determination to terminate or revoke and
24 reissue the permit, the Agency shall file a petition
25 before the Board setting forth USEPA's objection, the
26 permit record, the Agency's proposed determination,

1 and the justification for its proposed determination.
2 The Board shall conduct a hearing pursuant to the rules
3 prescribed by Section 32 of this Act, and the burden of
4 proof shall be on the Agency.

5 ii. After due consideration of the written and oral
6 statements, the testimony and arguments that shall be
7 submitted at hearing, the Board shall issue and enter
8 an interim order for the proposed determination, which
9 shall set forth all changes, if any, required in the
10 Agency's proposed determination. The interim order
11 shall comply with the requirements for final orders as
12 set forth in Section 33 of this Act. Issuance of an
13 interim order by the Board under this paragraph,
14 however, shall not affect the permit status and does
15 not constitute a final action for purposes of this Act
16 or the Administrative Review Law.

17 iii. The Board shall cause a copy of its interim
18 order to be served upon all parties to the proceeding
19 as well as upon USEPA. The Agency shall submit the
20 proposed determination to USEPA in accordance with the
21 Board's Interim Order within 180 days after receipt of
22 the notification from USEPA.

23 c. USEPA shall review the proposed determination to
24 terminate, modify, or revoke and reissue the permit within
25 90 days after ~~of~~ receipt.

26 i. When USEPA reviews the proposed determination

1 to terminate or revoke and reissue and does not object,
2 the Board shall, within 7 days after ~~of~~ receipt of
3 USEPA's final approval, enter the interim order as a
4 final order. The final order may be appealed as
5 provided by Title XI of this Act. The Agency shall take
6 final action in accordance with the Board's final
7 order.

8 ii. When USEPA reviews such proposed determination
9 to terminate or revoke and reissue and objects, the
10 Agency shall submit USEPA's objection and the Agency's
11 comments and recommendation on the objection to the
12 Board and permittee. The Board shall review its interim
13 order in response to USEPA's objection and the Agency's
14 comments and recommendation and issue a final order in
15 accordance with Sections 32 and 33 of this Act. The
16 Agency shall, within 90 days after receipt of such
17 objection, respond to USEPA's objection in accordance
18 with the Board's final order.

19 iii. When USEPA reviews such proposed
20 determination to modify and objects, the Agency shall,
21 within 90 days after receipt of the objection, resolve
22 the objection and modify the permit in accordance with
23 USEPA's objection, based upon the record, the Clean Air
24 Act, regulations promulgated thereunder, this Act, and
25 regulations promulgated thereunder.

26 d. If the Agency fails to submit the proposed

1 determination pursuant to paragraph a of this subsection or
2 fails to resolve any USEPA objection pursuant to paragraph
3 c of this subsection, USEPA will terminate, modify, or
4 revoke and reissue the permit.

5 e. The Agency shall have the authority to adopt
6 procedural rules, in accordance with the Illinois
7 Administrative Procedure Act, as the Agency deems
8 necessary, to implement this subsection.

9 17. Title IV; Acid Rain Provisions.

10 a. The Agency shall act on initial CAAPP applications
11 for affected sources for acid deposition in accordance with
12 this Section and Title V of the Clean Air Act and
13 regulations promulgated thereunder, except as modified by
14 Title IV of the Clean Air Act and regulations promulgated
15 thereunder. The Agency shall issue initial CAAPP permits to
16 the affected sources for acid deposition which shall become
17 effective no earlier than January 1, 1995, and which shall
18 terminate on December 31, 1999, in accordance with this
19 Section. Subsequent CAAPP permits issued to affected
20 sources for acid deposition shall be issued for a fixed
21 term of 5 years. Title IV of the Clean Air Act and
22 regulations promulgated thereunder, including but not
23 limited to 40 C.F.R. Part 72, as now or hereafter amended,
24 are applicable to and enforceable under this Act.

25 b. A designated representative of an affected source

1 for acid deposition shall submit a timely and complete
2 Phase II acid rain permit application and compliance plan
3 to the Agency, not later than January 1, 1996, that meets
4 the requirements of Titles IV and V of the Clean Air Act
5 and regulations. The Agency shall act on the Phase II acid
6 rain permit application and compliance plan in accordance
7 with this Section and Title V of the Clean Air Act and
8 regulations promulgated thereunder, except as modified by
9 Title IV of the Clean Air Act and regulations promulgated
10 thereunder. The Agency shall issue the Phase II acid rain
11 permit to an affected source for acid deposition no later
12 than December 31, 1997, which shall become effective on
13 January 1, 2000, in accordance with this Section, except as
14 modified by Title IV and regulations promulgated
15 thereunder; provided that the designated representative of
16 the source submitted a timely and complete Phase II permit
17 application and compliance plan to the Agency that meets
18 the requirements of Title IV and V of the Clean Air Act and
19 regulations.

20 c. Each Phase II acid rain permit issued in accordance
21 with this subsection shall have a fixed term of 5 years.
22 Except as provided in paragraph b above, the Agency shall
23 issue or deny a Phase II acid rain permit within 18 months
24 of receiving a complete Phase II permit application and
25 compliance plan.

26 d. A designated representative of a new unit, as

1 defined in Section 402 of the Clean Air Act, shall submit a
2 timely and complete Phase II acid rain permit application
3 and compliance plan that meets the requirements of Titles
4 IV and V of the Clean Air Act and its regulations. The
5 Agency shall act on the new unit's Phase II acid rain
6 permit application and compliance plan in accordance with
7 this Section and Title V of the Clean Air Act and its
8 regulations, except as modified by Title IV of the Clean
9 Air Act and its regulations. The Agency shall reopen the
10 new unit's CAAPP permit for cause to incorporate the
11 approved Phase II acid rain permit in accordance with this
12 Section. The Phase II acid rain permit for the new unit
13 shall become effective no later than the date required
14 under Title IV of the Clean Air Act and its regulations.

15 e. A designated representative of an affected source
16 for acid deposition shall submit a timely and complete
17 Title IV NOx permit application to the Agency, not later
18 than January 1, 1998, that meets the requirements of Titles
19 IV and V of the Clean Air Act and its regulations. The
20 Agency shall reopen the Phase II acid rain permit for cause
21 and incorporate the approved NOx provisions into the Phase
22 II acid rain permit not later than January 1, 1999, in
23 accordance with this Section, except as modified by Title
24 IV of the Clean Air Act and regulations promulgated
25 thereunder. Such reopening shall not affect the term of the
26 Phase II acid rain permit.

1 f. The designated representative of the affected
2 source for acid deposition shall renew the initial CAAPP
3 permit and Phase II acid rain permit in accordance with
4 this Section and Title V of the Clean Air Act and
5 regulations promulgated thereunder, except as modified by
6 Title IV of the Clean Air Act and regulations promulgated
7 thereunder.

8 g. In the case of an affected source for acid
9 deposition for which a complete Phase II acid rain permit
10 application and compliance plan are timely received under
11 this subsection, the complete permit application and
12 compliance plan, including amendments thereto, shall be
13 binding on the owner, operator and designated
14 representative, all affected units for acid deposition at
15 the affected source, and any other unit, as defined in
16 Section 402 of the Clean Air Act, governed by the Phase II
17 acid rain permit application and shall be enforceable as an
18 acid rain permit for purposes of Titles IV and V of the
19 Clean Air Act, from the date of submission of the acid rain
20 permit application until a Phase II acid rain permit is
21 issued or denied by the Agency.

22 h. The Agency shall not include or implement any
23 measure which would interfere with or modify the
24 requirements of Title IV of the Clean Air Act or
25 regulations promulgated thereunder.

26 i. Nothing in this Section shall be construed as

1 affecting allowances or USEPA's decision regarding an
2 excess emissions offset plan, as set forth in Title IV of
3 the Clean Air Act or regulations promulgated thereunder.

4 i. No permit revision shall be required for
5 increases in emissions that are authorized by
6 allowances acquired pursuant to the acid rain program,
7 provided that such increases do not require a permit
8 revision under any other applicable requirement.

9 ii. No limit shall be placed on the number of
10 allowances held by the source. The source may not,
11 however, use allowances as a defense to noncompliance
12 with any other applicable requirement.

13 iii. Any such allowance shall be accounted for
14 according to the procedures established in regulations
15 promulgated under Title IV of the Clean Air Act.

16 j. To the extent that the federal regulations
17 promulgated under Title IV, including but not limited to 40
18 C.F.R. Part 72, as now or hereafter amended, are
19 inconsistent with the federal regulations promulgated
20 under Title V, the federal regulations promulgated under
21 Title IV shall take precedence.

22 k. The USEPA may intervene as a matter of right in any
23 permit appeal involving a Phase II acid rain permit
24 provision or denial of a Phase II acid rain permit.

25 l. It is unlawful for any owner or operator to violate
26 any terms or conditions of a Phase II acid rain permit

1 issued under this subsection, to operate any affected
2 source for acid deposition except in compliance with a
3 Phase II acid rain permit issued by the Agency under this
4 subsection, or to violate any other applicable
5 requirements.

6 m. The designated representative of an affected source
7 for acid deposition shall submit to the Agency the data and
8 information submitted quarterly to USEPA, pursuant to 40
9 CFR 75.64, concurrently with the submission to USEPA. The
10 submission shall be in the same electronic format as
11 specified by USEPA.

12 n. The Agency shall act on any petition for exemption
13 of a new unit or retired unit, as those terms are defined
14 in Section 402 of the Clean Air Act, from the requirements
15 of the acid rain program in accordance with Title IV of the
16 Clean Air Act and its regulations.

17 o. The Agency shall have the authority to adopt
18 procedural rules, in accordance with the Illinois
19 Administrative Procedure Act, as the Agency deems
20 necessary to implement this subsection.

21 18. Fee Provisions.

22 a. ~~A For each 12 month period after the date on which~~
23 ~~the USEPA approves or conditionally approves the CAAPP, but~~
24 ~~in no event prior to January 1, 1994, a source subject to~~
25 this Section or excluded under subsection 1.1 or paragraph

1 (c) of subsection 3 ~~3(e)~~ of this Section, shall pay a fee
2 as provided in this paragraph ~~part~~ (a) of ~~this~~ subsection
3 18. However, a source that has been excluded from the
4 provisions of this Section under subsection 1.1 or under
5 paragraph (c) of subsection 3 ~~paragraph 3(e)~~ of this
6 Section because the source emits less than 25 tons per year
7 of any combination of regulated air pollutants, except
8 greenhouse gases, shall pay fees in accordance with
9 paragraph (1) of subsection (b) of Section 9.6.

10 i. The fee for a source allowed to emit less than
11 100 tons per year of any combination of regulated air
12 pollutants, except greenhouse gases, shall be \$1,800
13 per year, and that fee shall increase, beginning
14 January 1, 2012, to \$2,150 per year.

15 ii. The fee for a source allowed to emit 100 tons
16 or more per year of any combination of regulated air
17 pollutants, except greenhouse gases and ~~for~~ those
18 regulated air pollutants excluded in paragraph ~~18~~(f)
19 of this subsection 18, shall be as follows:

20 A. The Agency shall assess a ~~an annual~~ fee of
21 ~~\$18.00~~ per ton, per year for the allowable
22 emissions of ~~all~~ regulated air pollutants subject
23 to this subparagraph (ii) of paragraph (a) of
24 subsection 18, and that fee shall increase,
25 beginning January 1, 2012, to \$21.50 per ton, per
26 year at that source during the term of the permit.

1 These fees shall be used by the Agency and the
2 Board to fund the activities required by Title V of
3 the Clean Air Act including such activities as may
4 be carried out by other State or local agencies
5 pursuant to paragraph (d) of this subsection. The
6 amount of such fee shall be based on the
7 information supplied by the applicant in its
8 complete CAAPP permit application or in the CAAPP
9 permit if the permit has been granted and shall be
10 determined by the amount of emissions that the
11 source is allowed to emit annually, provided
12 however, that the maximum fee for a CAAPP permit
13 under this subparagraph (ii) of paragraph (a) of
14 subsection 18 is no source shall be required to pay
15 ~~an annual fee in excess of \$250,000, and increases,~~
16 beginning January 1, 2012, to \$294,000. Beginning
17 January 1, 2012, the maximum fee under this
18 subparagraph (ii) of paragraph (a) of subsection
19 18 for a source that has been excluded under
20 subsection 1.1 of this Section or under paragraph
21 (c) of subsection 3 of this Section is \$4,112. The
22 Agency shall provide as part of the permit
23 application form required under subsection 5 of
24 this Section a separate fee calculation form which
25 will allow the applicant to identify the allowable
26 emissions and calculate the fee ~~for the term of the~~

1 ~~permit~~. In no event shall the Agency raise the
2 amount of allowable emissions requested by the
3 applicant unless such increases are required to
4 demonstrate compliance with terms of a CAAPP
5 permit.

6 Notwithstanding the above, any applicant may
7 seek a change in its permit which would result in
8 increases in allowable emissions due to an
9 increase in the hours of operation or production
10 rates of an emission unit or units and such a
11 change shall be consistent with the construction
12 permit requirements of the existing State permit
13 program, under subsection (a) of Section 39~~(a)~~ of
14 this Act and applicable provisions of this
15 Section. Where a construction permit is required,
16 the Agency shall expeditiously grant such
17 construction permit and shall, if necessary,
18 modify the CAAPP permit based on the same
19 application.

20 B. The applicant or permittee may pay the fee
21 annually or semiannually for those fees greater
22 than \$5,000. However, any applicant paying a fee
23 equal to or greater than \$100,000 shall pay the
24 full amount on July 1, for the subsequent fiscal
25 year, or pay 50% of the fee on July 1 and the
26 remaining 50% by the next January 1. The Agency may

1 change any annual billing date upon reasonable
2 notice, but shall prorate the new bill so that the
3 permittee or applicant does not pay more than its
4 required fees for the fee period for which payment
5 is made.

6 b. (Blank).

7 c. (Blank).

8 d. There is hereby created in the State Treasury a
9 special fund to be known as the "CAA Permit Fund". All
10 Funds collected by the Agency pursuant to this subsection
11 shall be deposited into the Fund. The General Assembly
12 shall appropriate monies from this Fund to the Agency and
13 to the Board to carry out their obligations under this
14 Section. The General Assembly may also authorize monies to
15 be granted by the Agency from this Fund to other State and
16 local agencies which perform duties related to the CAAPP.
17 Interest generated on the monies deposited in this Fund
18 shall be returned to the Fund.

19 e. The Agency shall have the authority to adopt
20 procedural rules, in accordance with the Illinois
21 Administrative Procedure Act, as the Agency deems
22 necessary to implement this subsection.

23 f. For purposes of this subsection, the term "regulated
24 air pollutant" shall have the meaning given to it under
25 subsection 1 of this Section but shall exclude the
26 following:

- 1 i. carbon monoxide;
- 2 ii. any Class I or II substance which is a
3 regulated air pollutant solely because it is listed
4 pursuant to Section 602 of the Clean Air Act; and
- 5 iii. any pollutant that is a regulated air
6 pollutant solely because it is subject to a standard or
7 regulation under Section 112(r) of the Clean Air Act
8 based on the emissions allowed in the permit effective
9 in that calendar year, at the time the applicable bill
10 is generated.

11 19. Air Toxics Provisions.

12 a. In the event that the USEPA fails to promulgate in a
13 timely manner a standard pursuant to Section 112(d) of the
14 Clean Air Act, the Agency shall have the authority to issue
15 permits, pursuant to Section 112(j) of the Clean Air Act
16 and regulations promulgated thereunder, which contain
17 emission limitations which are equivalent to the emission
18 limitations that would apply to a source if an emission
19 standard had been promulgated in a timely manner by USEPA
20 pursuant to Section 112(d). Provided, however, that the
21 owner or operator of a source shall have the opportunity to
22 submit to the Agency a proposed emission limitation which
23 it determines to be equivalent to the emission limitations
24 that would apply to such source if an emission standard had
25 been promulgated in a timely manner by USEPA. If the Agency

1 refuses to include the emission limitation proposed by the
2 owner or operator in a CAAPP permit, the owner or operator
3 may petition the Board to establish whether the emission
4 limitation proposal submitted by the owner or operator
5 provides for emission limitations which are equivalent to
6 the emission limitations that would apply to the source if
7 the emission standard had been promulgated by USEPA in a
8 timely manner. The Board shall determine whether the
9 emission limitation proposed by the owner or operator or an
10 alternative emission limitation proposed by the Agency
11 provides for the level of control required under Section
12 112 of the Clean Air Act, or shall otherwise establish an
13 appropriate emission limitation, pursuant to Section 112
14 of the Clean Air Act.

15 b. Any Board proceeding brought under paragraph (a) or
16 (e) of this subsection shall be conducted according to the
17 Board's procedures for adjudicatory hearings and the Board
18 shall render its decision within 120 days of the filing of
19 the petition. Any such decision shall be subject to review
20 pursuant to Section 41 of this Act. Where USEPA promulgates
21 an applicable emission standard prior to the issuance of
22 the CAAPP permit, the Agency shall include in the permit
23 the promulgated standard, provided that the source shall
24 have the compliance period provided under Section 112(i) of
25 the Clean Air Act. Where USEPA promulgates an applicable
26 standard subsequent to the issuance of the CAAPP permit,

1 the Agency shall revise such permit upon the next renewal
2 to reflect the promulgated standard, providing a
3 reasonable time for the applicable source to comply with
4 the standard, but no longer than 8 years after the date on
5 which the source is first required to comply with the
6 emissions limitation established under this subsection.

7 c. The Agency shall have the authority to implement and
8 enforce complete or partial emission standards promulgated
9 by USEPA pursuant to Section 112(d), and standards
10 promulgated by USEPA pursuant to Sections 112(f), 112(h),
11 112(m), and 112(n), and may accept delegation of authority
12 from USEPA to implement and enforce Section 112(l) and
13 requirements for the prevention and detection of
14 accidental releases pursuant to Section 112(r) of the Clean
15 Air Act.

16 d. The Agency shall have the authority to issue permits
17 pursuant to Section 112(i)(5) of the Clean Air Act.

18 e. The Agency has the authority to implement Section
19 112(g) of the Clean Air Act consistent with the Clean Air
20 Act and federal regulations promulgated thereunder. If the
21 Agency refuses to include the emission limitations
22 proposed in an application submitted by an owner or
23 operator for a case-by-case maximum achievable control
24 technology (MACT) determination, the owner or operator may
25 petition the Board to determine whether the emission
26 limitation proposed by the owner or operator or an

1 alternative emission limitation proposed by the Agency
2 provides for a level of control required by Section 112 of
3 the Clean Air Act, or to otherwise establish an appropriate
4 emission limitation under Section 112 of the Clean Air Act.

5 20. Small Business.

6 a. For purposes of this subsection:

7 "Program" is the Small Business Stationary Source
8 Technical and Environmental Compliance Assistance Program
9 created within this State pursuant to Section 507 of the
10 Clean Air Act and guidance promulgated thereunder, to
11 provide technical assistance and compliance information to
12 small business stationary sources;

13 "Small Business Assistance Program" is a component of
14 the Program responsible for providing sufficient
15 communications with small businesses through the
16 collection and dissemination of information to small
17 business stationary sources; and

18 "Small Business Stationary Source" means a stationary
19 source that:

20 1. is owned or operated by a person that employs
21 100 or fewer individuals;

22 2. is a small business concern as defined in the
23 "Small Business Act";

24 3. is not a major source as that term is defined in
25 subsection 2 of this Section;

1 4. does not emit 50 tons or more per year of any
2 regulated air pollutant, except greenhouse gases; and

3 5. emits less than 75 tons per year of all
4 regulated pollutants, except greenhouse gases.

5 b. The Agency shall adopt and submit to USEPA, after
6 reasonable notice and opportunity for public comment, as a
7 revision to the Illinois state implementation plan, plans
8 for establishing the Program.

9 c. The Agency shall have the authority to enter into
10 such contracts and agreements as the Agency deems necessary
11 to carry out the purposes of this subsection.

12 d. The Agency may establish such procedures as it may
13 deem necessary for the purposes of implementing and
14 executing its responsibilities under this subsection.

15 e. There shall be appointed a Small Business Ombudsman
16 (hereinafter in this subsection referred to as
17 "Ombudsman") to monitor the Small Business Assistance
18 Program. The Ombudsman shall be a nonpartisan designated
19 official, with the ability to independently assess whether
20 the goals of the Program are being met.

21 f. The State Ombudsman Office shall be located in an
22 existing Ombudsman office within the State or in any State
23 Department.

24 g. There is hereby created a State Compliance Advisory
25 Panel (hereinafter in this subsection referred to as
26 "Panel") for determining the overall effectiveness of the

1 Small Business Assistance Program within this State.

2 h. The selection of Panel members shall be by the
3 following method:

4 1. The Governor shall select two members who are
5 not owners or representatives of owners of small
6 business stationary sources to represent the general
7 public;

8 2. The Director of the Agency shall select one
9 member to represent the Agency; and

10 3. The State Legislature shall select four members
11 who are owners or representatives of owners of small
12 business stationary sources. Both the majority and
13 minority leadership in both Houses of the Legislature
14 shall appoint one member of the panel.

15 i. Panel members should serve without compensation but
16 will receive full reimbursement for expenses including
17 travel and per diem as authorized within this State.

18 j. The Panel shall select its own Chair by a majority
19 vote. The Chair may meet and consult with the Ombudsman and
20 the head of the Small Business Assistance Program in
21 planning the activities for the Panel.

22 21. Temporary Sources.

23 a. The Agency may issue a single permit authorizing
24 emissions from similar operations by the same source owner
25 or operator at multiple temporary locations, except for

1 sources which are affected sources for acid deposition
2 under Title IV of the Clean Air Act.

3 b. The applicant must demonstrate that the operation is
4 temporary and will involve at least one change of location
5 during the term of the permit.

6 c. Any such permit shall meet all applicable
7 requirements of this Section and applicable regulations,
8 and include conditions assuring compliance with all
9 applicable requirements at all authorized locations and
10 requirements that the owner or operator notify the Agency
11 at least 10 days in advance of each change in location.

12 22. Solid Waste Incineration Units.

13 a. A CAAPP permit for a solid waste incineration unit
14 combusting municipal waste subject to standards
15 promulgated under Section 129(e) of the Clean Air Act shall
16 be issued for a period of 12 years and shall be reviewed
17 every 5 years, unless the Agency requires more frequent
18 review through Agency procedures.

19 b. During the review in paragraph (a) of this
20 subsection, the Agency shall fully review the previously
21 submitted CAAPP permit application and corresponding
22 reports subsequently submitted to determine whether the
23 source is in compliance with all applicable requirements.

24 c. If the Agency determines that the source is not in
25 compliance with all applicable requirements it shall

1 revise the CAAPP permit as appropriate.

2 d. The Agency shall have the authority to adopt
3 procedural rules, in accordance with the Illinois
4 Administrative Procedure Act, as the Agency deems
5 necessary, to implement this subsection.

6 (Source: P.A. 93-32, eff. 7-1-03; 94-580, eff. 8-12-05.)

7 (415 ILCS 5/39.10 new)

8 Sec. 39.10. General permits.

9 (a) Except as otherwise prohibited by federal law or
10 regulation, the Agency may issue general permits for the
11 construction, installation, or operation of categories of
12 facilities for which permits are required under this Act or
13 Board regulation, provided that such general permits are
14 consistent with federal and State laws and regulations. Such
15 general permits shall include, but shall not be limited to,
16 provisions requiring the following as prerequisites to
17 obtaining coverage under a general permit: (i) the submittal of
18 a notice of intent to be covered by the general permit and (ii)
19 the payment of applicable permitting fees. The Agency may
20 include conditions in such general permits as may be necessary
21 to accomplish the intent of this Act and rules adopted under
22 this Act.

23 (b) Within 6 months after the effective date of this
24 amendatory Act of the 97th General Assembly, the Agency shall,
25 in consultation with the regulated community, identify types of

1 permits for which general permits would be appropriate and
2 consistent with State and federal law and regulations. The
3 types of permits may include, but shall not be limited to,
4 permits for nonhazardous solid waste activities, discharge of
5 storm water from landfills, and discharge of hydrostatic test
6 waters. Within 18 months after the effective date of this
7 amendatory Act of the 97th General Assembly, the Agency shall,
8 in consultation with the regulated community, develop general
9 permits for the types of permits identified pursuant to this
10 subsection (b).

11 (c) Persons obtaining coverage under a general permit shall
12 be subject to the same permitting fees that apply to persons
13 obtaining individual permits.

14 (d) No person obtaining coverage under a general permit
15 shall violate this Act, rules adopted under this Act, or the
16 terms or conditions of the general permit.

17 (e) This Section does not apply to sources subject to
18 Section 39.5 of this Act.

19 (415 ILCS 5/39.12 new)

20 Sec. 39.12. Permits by rule.

21 (a) Except as otherwise prohibited by federal law or
22 regulation, the Board may adopt rules providing for permits by
23 rule for classes of facilities or equipment, provided that the
24 permits by rule are consistent with federal and State laws and
25 regulations. Proposals for permits by rule authorized under

1 this Section may be filed by any person in accordance with
2 Title VII of this Act.

3 (b) Board rules adopted under this Section shall include,
4 but not be limited to, standards as may be necessary to
5 accomplish the intent of this Act and rules adopted under this
6 Act and the terms and conditions for obtaining a permit by rule
7 under this Section, which shall include, but not be limited to,
8 the following as prerequisites to obtaining a permit by rule:
9 (i) the submittal of a notice of intent to be subject to the
10 permit by rule and (ii) the payment of applicable permitting
11 fees.

12 (c) Within one year after the effective date of this
13 amendatory Act of the 97th General Assembly, the Agency shall,
14 in consultation with the regulated community, identify types of
15 permits for which permits by rule would be appropriate and
16 consistent with State and federal law and regulations. The
17 types of permits may include, but shall not be limited to,
18 permits for open burning, certain package boilers and heaters
19 using only natural gas or refinery gas, and certain internal
20 combustion engines.

21 (d) Persons obtaining a permit by rule shall be subject to
22 the same permitting fees that apply to persons obtaining
23 individual permits.

24 (e) No person that has obtained a permit by rule shall
25 violate this Act, rules adopted under this Act, or the terms
26 and conditions of the permit by rule.

1 (415 ILCS 5/39.14 new)

2 Sec. 39.14. Expedited review of permits.

3 (a) It is the intent of this Section to promote an
4 expedited permit review process for any permit required under
5 this Act.

6 (b) Any applicant for a permit under this Act may request
7 in writing from the Agency an expedited review of the
8 application for a permit. Within a reasonable time, the Agency
9 shall respond in writing, indicating whether the Agency will
10 perform an expedited review.

11 (c) In addition to any other fees required by this Act or
12 Board regulations, an applicant requesting expedited review
13 under this Section shall pay to the Agency an expedited permit
14 fee. The amount of the expedited permit fee shall be 4 times
15 the standard permit fee required for the requested permit under
16 this Act or Board regulations; provided that the expedited
17 permit fee shall not exceed \$100,000. For recurring permit
18 fees, such as annual fees, operating fees, or discharge fees,
19 the expedited permit fee shall be 4 times the amount of the
20 recurring fee on a one-time basis for each expedited permitting
21 action. If an owner or operator is not required to pay a
22 standard permit fee for the requested permit, the amount of the
23 expedited permit fee shall be mutually agreed upon by the
24 Agency and the applicant. Prior to any Agency review, the
25 applicant shall make full payment of the expedited permit fee

1 to the Agency. All amounts paid to the Agency pursuant to this
2 Section shall be deposited into the Environmental Protection
3 Permit and Inspection Fund. The applicant shall also pay all
4 standard permit fees in accordance with the applicable fee
5 provisions of this Act or Board regulations.

6 (d) The Agency's expedited review under this Section shall
7 include the usual and customary review by the Agency as
8 necessary for processing any similar application.

9 (e) "Expedited review" means, for the purposes of this
10 Section, the Agency taking action on a permit application
11 within a period of time mutually agreed upon by the Agency and
12 the applicant; provided, however, that the agreed-upon period
13 of time shall be tolled during any times the Agency is waiting
14 for the applicant or another party to provide information
15 necessary for the Agency to complete its expedited review.

16 (f) If the Agency fails to complete an expedited review
17 within the period of time agreed upon by the Agency and the
18 applicant, taking into account the tolling provided under
19 subsection (e) of this Section, the applicant shall be entitled
20 to a refund of the expedited permit fee paid under this
21 Section, on a prorated basis, as mutually agreed upon by the
22 Agency and the applicant.

23 (g) This Section shall not apply to applications related to
24 emergency events necessitating immediate action by the Agency
25 on permit applications.

26 (h) The Agency may adopt rules for the implementation of

1 this Section.

2 Section 99. Effective date. This Act takes effect July 1,
3 2011.